By Mr. REAVIS: A bill (H. R. 7280) granting a pension to Osiah Attison; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 7281) granting an increase of pension to Henry B. Pitner; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 7282) granting an increase of pension to Jesse A. Trent; to the Committee on Pensions.

By Mr. SHREVE: A bill (H. R. 7283) granting an increase of pension to Hiram Prusia; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 7284) granting an increase of pension to Lillie P. Hinman; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 7285) granting a pension to John H. Franklin; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of members of the section on industrial medicine and surgery of the American Medical Association, urging an appropriation by Congress of not less than $1,500,000 to be used under the direction of the United States Public Health Service for the investigation, prevention, and cure of influenza, pneumonia, and allied diseases, this sum to be made available to July 1, 1922; to the Committee on Appropriations.

By Mr. CAREW: Petition of the thirty-ninth annual convention of the American Federation of Labor, opposing mob rule and lynching; to the Committee on the Judiciary.

Also, petition of the Grand Lodge, Brotherhood of Railroad Trainmen, urging adoption of the league of nations and pledging support to the President; to the Committee on Foreign Affairs.

By Mr. COLE: Petition of seventh ward branch of the Milwaukee (Wis.) Socialist Party, protesting against the action of Congress in denying Victor L. Berger a seat in Congress; to the Committee on Elections No. 1.

By Mr. CURRY of California: Petition of Golden Gate Lodge, No. 799, Brotherhood of Railway Carmen of America, protesting against the high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. DALLINGER: Resolution of the Gold Beaters' Union of Boston and vicinity, favoring the league of nations; to the Committee on Foreign Affairs.

By Mr. DICKINSON of Missouri: Petition of 22 druggists and other merchants of Carroll County, Mo., asking for repeal of tax on patent medicines, toilet articles, sodas, etc.; to the Committee on Ways and Means.

By Mr. DYER: Resolution of the board of directors of the Merchants' Exchange of St. Louis, Ill., approving the report of the special committee on budget and efficiency of the Chamber of Commerce of the United States, relating to the adoption of a budget system for the National Government; to the Committee on Appropriations.

By Mr. ESCH: Petition of members of the section on industrial medicine and surgery of the American Medical Association, in favor of an appropriation of $1,500,000 for prevention and cure of influenza, pneumonia, and allied diseases; to the Committee on Appropriations.

By Mr. FRENCH: Petition of sundry citizens of Gem County, State of Idaho, against the repeal of the war-time prohibition; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of the Free Sewing Machine Co., of Rockford, Ill., opposing continuance of the United States Employment Service; to the Committee on Labor.

Also, petition of Skandinavia Lodge, No. 6, International Order of Good Templars, of Rockford, Ill., for enforcement of the eighteenth amendment to the Federal Constitution; to the Committee on the Judiciary.

By Mr. FULLER of Massachusetts: Petition of Andrew Johnson, chief templar; Carl J. Carlberg, secretary; and others, members of Framat Lodge, No. 3, International Order of Good Templars, at Malden, Mass., urging the United States House of Representatives to promptly enact at this special session of Congress laws providing for the full enforcement of the eighteenth amendment to the United States Constitution, and also definitely defining intoxicating liquors; to the Committee on the Judiciary.

By Mr. GILLETT: Petition of City Council of Worcester, Mass., urging Congress to do all that it properly can do to promote the claims and requests presented to the peace conference by the Italian Government; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Illinois: Petition of sundry citizens of Moline, Ill., requesting enactment of laws for full enforcement of the eighteenth amendment to the Constitution; to the Committee on Ways and Means.

By Mr. LEHLBACH: Petition of sundry citizens of New Jersey, for repeal of tax on sodas, etc.; to the Committee on Ways and Means.

By Mr. NELSON of Wisconsin: Petition of M. A. Sharka, of Rhinelander, Wis., requesting the withdrawal of the Polish Army from Lithuania; to the Committee on Foreign Relations.

By Mr. O'CONNELL: Petition of members of the section on industrial medicine and surgery of the American Medical Association, urging appropriation of $1,500,000 to be used under the direction of the United States Public Health Service for the investigation of the causes, modes of transmission, prevention, and cure of influenza, pneumonia, and allied diseases, this sum to be available to July 1, 1922; to the Committee on Appropriations.

Also, petition of National Federation of Federal Employees, opposing Representative GOOD's amendment to the Nolan minimum-wage bill for Government employees; to the Committee on Labor.

By Mr. OSBORNE: Petition of the Clay Products' Association, of Los Angeles, Calif., urging that the freight rates suspension power be restored to the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, memorial of district No. 5, California State Nurses' Association, urging that Army rank be given to nurses; to the Committee on Military Affairs.

By Mr. RANDALL of Wisconsin: Petition of George S. Glerum, H. L. Rose, and 27 other citizens of Kenosha, Wis., requesting the repeal of section 904 of the 1918 Federal income-tax law; to the Committee on Ways and Means.

By Mr. RUCKER: Petition of sundry citizens of Brookfield, Mo., for repeal of tax on candy, ice cream, etc.; to the Committee on Ways and Means.

By Mr. VARE: Memorial of the National Benedictine Association against the Smith-Towner bill; to the Committee on Education.

SENATE.

MONDAY, *July 14, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to our tasks to-day with a sense of leadership among the nations of the earth and of mighty power. We pray that we may have the wisdom which will justify our leadership and the grace which will sanctify our power, that we may be so guided by Thy Holy Spirit and by the precepts of Thy word that we shall conform our leadership and the expressions of all our power to the Divine will and the Divine service, that we may be a Nation whose Lord is God, serving Thee with singleness of heart and purpose. Bless us in the discharge of these high and holy duties. For Christ's sake. Amen.

The Journal of the proceedings of Thursday last was read and approved.

RESALE PRICE MAINTENANCE (H. DOC. NO. 145).

The VICE PRESIDENT laid before the Senate a communication from the Federal Trade Commission, transmitting, pursuant to law, a special report dealing with the subject of resale price maintenance, which, with the accompanying paper, was referred to the Committee on Interstate Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 2847. An act providing additional aid for the American Printing House for the Blind; and

H. J. Res. 120. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, Tao Hung Chang and Zeng Tze Wong, citizens of China.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of 300 disabled soldiers of the United States Federal Hospital No. 36, Detroit, Mich., remonstrating aganist a reduction of the appropriation for the maintenance of the Federal Board for

Vocational Education, which was referred to the Committee on Appropriations.

Mr. NORRIS presented a memorial of sundry citizens of Pawnee City, Kans., remonstrating against the repeal of war-time prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of Local Union No. 558, International Brotherhood of Electrical Workers, of Sheffield, Ala., setting forth their grievances with the Secretary of War relative to working conditions, pay, etc., at nitrate plant No. 2, Muscle Shoals, Ala., which were referred to the Committee on Military Affairs.

Mr. SHERMAN presented memorials of sundry citizens of Carthage, Hamilton, Warsaw, Elvaston, Danville, Dundee, and Ottawa, all in the State of Illinois, remonstrating against the repeal or modification of war-time prohibition, which were referred to the Committee on the Judiciary.

Mr. NUGENT presented a memorial of sundry citizens of Idaho, remonstrating against the repeal of the so-called daylight saving law, which was referred to the Committee on Interstate Commerce.

Mr. MOSES presented a petition of sundry citizens of Charlestown, N. H., praying for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. FERNALD presented a petition of sundry citizens of Maine, praying for the enactment of legislation providing for the enforcement of prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Eastern Manufacturing Co., of Bangor, Me., praying that an appropriation be made to enable the Secretary of Agriculture to conduct an investigation of the nature and habits of the fungi and bacteria causing the decay of pulp wood and wood pulp, etc., which was referred to the Committee on Appropriations.

Mr. ELKINS presented memorials of sundry citizens of Ritchie County, of sundry citizens of Exchange, and of the Woman's Christian Temperance Union of Harrisville, all in the State of West Virginia, remonstrating against the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Martinsburg, W. Va., praying for Government ownership and control of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Grafton, W. Va., and a petition of Local Union, No. 104, International Association of Machinists, of Huntington, W. Va., praying for the repeal of the so-called daylight-saving law, which were referred to the Committee on Interstate Commerce.

Mr. NEWBERRY. I present a concurrent resolution passed by the Legislature of the State of Michigan, favoring the granting of additional compensation to discharged soldiers, sailors, and marines, which I ask to have printed in the RECORD and referred to the Committee on Military Affairs.

The concurrent resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution No. 3, requesting Congress to grant additional compensation to soldiers, sailors, and marines who have served in the military or naval service of the United States during the present war.

Whereas the regular pay granted to such soldiers, sailors, and marines has been, and is, extremely low, especially as compared with wages and salary paid to all classes of labor in the United States during the period of the war;

Whereas enormous profits have been received in practically all classes of manufacturing industry, in which the said soldiers, sailors, and marines have been prevented from sharing because of their service; and

Whereas it is the belief of the people of the State of Michigan and of this legislative body that some measure of appreciation should be shown for the sacrifice and courage of our soldiers, sailors, and marines: Therefore be it

Resolved by the Senate of the State of Michigan (the House of Representatives concurring), That the Congress of the United States be requested to grant and pay to each soldier, sailor, and marine who served in the Army or Navy of the United States during any part of the period of the World War, or to the proper relatives or dependents of any soldier, sailor, or marine who has lost his life in said war an additional compensation of at least $50 per month for the period of service; be it further

Resolved, That the secretary of the senate and the clerk of the house of representatives be, and they hereby are, instructed to transmit duly certified copies of this resolution to each Member of the United States Senate and House of Representatives from the State of Michigan.

Adopted by the senate June 11.

DENNIS E. ALWARD,
Secretary of the Senate.

Adopted by the house of representatives June 12.

CHARLES S. PIERCE,
Clerk of the House of Representatives.

Mr. NEWBERRY. I present a concurrent resolution passed by the Legislature of the State of Michigan, which I ask to have printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

The resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 6, memorializing the Congress to favorably consider pending legislation looking toward increased compensation for postal employees.

Whereas there is now pending before the Congress of the United States legislation looking toward increased pay for all postal employees; and

Whereas under present conditions it is plainly evident that such employees are underpaid, as evidenced by the large number of resignations from the service to enable such employees to take up more remunerative occupations, thus resulting in impaired postal service: Therefore be it

Resolved by the senate (the house of representatives concurring), That it is the sense of this legislature that such compensation should be increased, and to this end Congress is hereby memorialized to favorably consider the pending legislation now before it granting increased compensation to such postal employees; and be it further

Resolved, That certified copies of this concurrent resolution be forwarded by the secretary of the senate and the clerk of the house of representatives to the Speaker of the House of Representatives and the President of the Senate of the United States, and to the Senators and Members of Congress from Michigan.

Adopted by the senate June 16.

DENNIS E. ALWARD,
Secretary of the Senate.

Adopted by the house of representatives June 17.

CHARLES S. PIERCE,
Clerk of the House of Representatives.

Mr. NEWBERRY presented a resolution adopted by the Common Council of Detroit, Mich., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented a petition of sundry citizens of Kansas, praying for the repeal of the present zone system of postage rates, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented petitions of sundry citizens of the Los Angeles section of the Council of Jewish Women, of sundry students of the Union High School, and of sundry citizens of Corcoran, all in the State of California, praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. NELSON presented a petition of sundry citizens of Chippewa, Lac qui Parle and Yellow Medicine Counties, all in the State of Minnesota, praying for the enactment of legislation providing for the improvement of the channel of, and the prevention of floods in the lands adjacent to, the Chippewa and Minnesota Rivers, Minn., which was referred to the Committee on Commerce.

He also presented the petition of Frank E. Bunker, of Sauk Center, Minn., praying for the reclassification of salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the editor of the Farmer, of St. Paul, Minn., and a memorial of the editor of the Northwest Farmstead, of Minneapolis, Minn., relative to the establishment of a personal rural credit system, which were referred to the Committee on Banking and Currency.

Mr. SUTHERLAND presented a memorial of sundry citizens of Harrisville, W. Va., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. WALSH of Massachusetts presented petitions from employees of the Monomac Spinning Co., of Lawrence; of the Pittsfield Works, of the General Electric Co.; of the Merchants' Manufacturing Co., of Fall River; of the Simpson Bros. Corporation, of Boston; of the North Chelmsford Machine & Supply Co.; of the Bay State Saw & Tool Manufacturing Co., of Winchester; of W. D. Young & Co. (Inc.), Boston; of the Housh Co., of Boston; of the Tanners' Cut Sole Co., of Cambridge; of the Acadia Mills, of Lawrence; of A. O. Norton (Inc.), of Boston; of the American Printing Co., of Boston; of the Merrick Mills, of Holyoke; of the Morgan Construction Co.; of the Lewis Manufacturing Co., of Walpole; of the Safepack Mills, of Boston; of the Smith & Dove Manufacturing Co., of Andover; of the Glendale Elastic Fabric Co., of Easthampton; of the Royal Worcester Corset Co., of Worcester; of the United Shoe Machinery Corporation; of the Maverick Mills, of East Boston; of the Plymouth Cordage Co., of North Plymouth; of the Standard Woven Fabric Co., of Walpole; of the William Carter Co., of Springfield; of the Eaton, Crane & Pike Co., of Pittsfield; of the Nonotuck Silk Co., of Northampton; of M. J. Whittall Associates, of Worcester; of Waitt & Bond (Inc.), Boston; of the Byron Weston Co., of Dalton; of the Torrington Co., Springfield plant; of the Westfield Manufacturing Co.; of the National

Casket Co.; of the Plymouth Mills, of Lawrence; of Ginn & Co., of Cambridge; of the New England Structural Co., of Everett; of the George Frost Co., of Boston; of the Davis & Furber Machine Co., of North Andover; of the American Thread Co., of Fall River; and of the Bay State Belting Co., of Newton, all in the State of Massachusetts, remonstrating against the repeal of the daylight-saving law, which were referred to the Committee on Interstate Commerce.

Mr. PITTMAN. I present a petition from the International Association of Catholic Alumni adopted at its convention held at St. Louis, Mo., May 29 to June 13, 1919, supporting the league of nations, which I ask to have printed in the RECORD.

Mr. SMOOT. I will say to the Senator that I think that petition has already been printed in the RECORD.

Mr. PITTMAN. I will ask the Senator when it was placed in the RECORD.

Mr. SMOOT. I think about 10 days ago. I inquire of the Senator from Montana [Mr. WALSH] if it was not about that time?

Mr. WALSH of Montana. I think the Senator from Utah is correct. It seems to me the petition was printed as a part of the remarks of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. PITTMAN. Very well. I will withdraw the petition.

The VICE PRESIDENT. The petition is withdrawn.

Mr. PITTMAN. I present a resolution adopted by the General Federation of Women's Clubs, Mid-Biennial Council, of Asheville, N. C.; of the League of Free Nations Association, New York City; the League of Permanent Peace, of Boston, Mass., and of sundry citizens of Boston, Mass., and of the Nevada Woman's Christian Temperance Union, supporting the league of nations treaty, which I ask may be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolution adopted by the General Federation of Women's Clubs, mid-biennial council, Asheville, N. C., May 29, 1918.

Whereas the covenant of the league of nations is presented to the United States for popular action; and

Whereas the General Federation of Women's Clubs, now assembled in biennial session, representing the interests of 2,000,000 women and exerting the influence they may exercise in their communities:

Resolved, That the council send its approval of the revised covenant of the league of nations to members of the Foreign Relations Committee of the United States Senate, the President of the United States now in France; and

That the members of the State federations ask their Senators to vote in support of the league of nations.

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LEAGUE OF FREE NATIONS ASSOCIATION,
New York City, July 9, 1919.

Senator KEY PITTMAN,
Senate Office Building, Washington, D. C.

MY DEAR SIR: The inclosed resolution, based upon a referendum vote of members throughout the country, was passed last night at a national conference of this association.

Very truly, yours,

JAMES G. MCDONALD, *Chairman.*

Resolved, That the League of Free Nations Association, in accordance with a referendum of its full membership, calls upon all forward-looking citizens to urge the United States Senate—

1. To ratify without reservations the treaty with Germany, including the league of nations covenant.

Such ratification would establish immediate peace, the world's most urgent need in the interest of order and progress; would abolish many international injustices which have proved prolific causes of war, and would create an agency for the rectification of remaining injustices and for the establishment of mutually advantageous and just relations between nations.

2. To accompany its ratification with a resolution declaring it to be the purpose of the United States as a member of the league of nations to:

(a) Press for the immediate restoration of Kiao-Chau and the German concessions in Shantung to the Chinese Republic.

(b) Hold that nothing in the treaty or the covenant shall be construed as authorizing interference by the league in internal revolutions or as preventing genuine redress and readjustment of boundaries through orderly processes provided by the league at any time in the future that these may be demanded by the welfare and manifest interest of the people concerned.

(c) Call for the inclusion of Germany in the council of the league as soon as the new republic shall have entered in good faith upon carrying out the treaty provisions; for the inclusion of Russia as soon as the Russian people have established stable government; and for the full participation of both Germany and Russia on equal footing in all economic intercourse as the best insurance against any reversion to the old scheme of balance of power, economic privilege, and war.

(d) Press for the progressive reduction of armaments by all nations.

(e) Throw its whole weight in behalf of such changes in the constitution and such developments in the practice of the league as will make it more democratic in its scheme of representation, its procedure more legislative and less exclusively diplomatic, an instrument of growth invigorated and molded by the active democratic forces of the progressive nations.

LEAGUE FOR PERMANENT PEACE,
Boston, Mass., July 1, 1919.

Hon. KEY PITTMAN,
United States Senate, Washington, D. C.

DEAR SIR: Permit me to call to your attention the inclosed copy of a resolution passed after an address on the league of nations.

Very truly, yours, KATE FOSTER GORHAM,
Executive Secretary.

JUNE 30, 1919.

We believe that the United States should enter the proposed league of nations in order to bring about international cooperation and to achieve international peace and security; and

We recognize that the covenant of the league of nations can not be separated from the peace treaty, since the latter is founded on the assumption that this league of nations will be formed; and

We believe that delay on the part of the United States Senate to ratify the peace treaty will seriously jeopardize the peace of the world: Therefore

We, the undersigned citizens of Massachusetts, urge the United States Senate to ratify the treaty of peace, including the covenant, without reservation or amendment, as soon as it is submitted for ratification.

MRS. J. MALCOLM FORBES,
Chairman of Meeting,
(and others).

Passed by unanimous vote at a large public meeting June 30, 1919, at the headquarters of the League for Permanent Peace, 421 Boylston Street, Boston, Mass.

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421 BOYLSTON STREET,
Boston, Mass., July 11, 1919.

Hon. KEY PITTMAN,
United States Senate, Washington, D. C.

DEAR SIR: In accordance with the wishes of the meeting held at Pilgrim Hall, Boston, Wednesday, July 9, I am inclosing you a copy of a resolution passed.

Yours, very truly, M. T. OSMOND.

We believe that the United States should enter the league of nations, which aims to promote international cooperation and to achieve international peace and security.

We believe that the covenant of the league of nations can not be separated from the peace treaty, since the latter was founded on the assumption that the league of nations would be formed.

We believe that delay on the part of the United States Senate to ratify the peace treaty will seriously jeopardize the peace of the world: Therefore

We urge the United States Senate to ratify the treaty of peace, including the covenant, without reservation or amendment as soon as it is submitted for ratification.

The above resolution was adopted by a large majority at a public meeting held Wednesday, July 9, 1919, at Pilgrim Hall, 14 Beacon Street, Boston, Mass.

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NEVADA WOMAN'S CHRISTIAN TEMPERANCE UNION,
Reno, Nev., June 2, 1919.

Hon. KEY PITTMAN,
United States Senator from Nevada, Washington, D. C.

DEAR SIR: The Nevada Woman's Christian Temperance Union instructed the following resolution to be sent you, with thanks for the stand you have ever taken for measures of progress and justice:

Resolution.

"Whereas the United States entered the war to add its great force in joint effort with other free nations thereby to end the cruel war being enacted against human rights by Germany; and

"Whereas the war was brought to a victorious end through this united effort: Therefore, be it

"*Resolved*, That we indorse the establishment of a league of nations. We believe a league of nations would be a check on future wars and would protect all nations from a war such as was indulged in by Germany at the expense of the world; be it further

"*Resolved*, That we favor the entrance of the United States into a league of nations, the aim of which is to hold vantage power—won by allied forces at the cost of sacred human life—to promote freedom, progress, and peaceful cooperation in the development of the world; be it still further

"*Resolved*, That copies of this resolution be sent to the President of the United States, the Senators representing the State of Nevada at Washington, and to the Hon. William H. Taft, president of the League to Enforce Peace, No. 130 West Street, New York."

NEVADA WOMAN'S CHRISTIAN TEMPERANCE UNION,
MRS. NORA R. LINVILLE, *State President.*
By MRS. BESSIE R. EICHELBERGER,
State Recording Secretary.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, submitted a report (No. 80) accompanied by a joint resolution (S. J. Res. 70) relating to the induction of registrants who applied, and who were accepted, for induction and assigned to educational institutions for special and technical training under the provisions of the act approved August 31, 1918, but whose induction without fault of their own was not completed.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 2220) granting to the Lincoln Highway Association, incorporated under the laws of the State of Michigan, a right of way through certain public lands of the United States, reported it without amendment and submitted a report (No. 79) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 429) to authorize an exchange of lands with Henry Blackburn (Rept. No. 77); and

A bill (S. 1729) permitting minors of the age of 18 years or over to make homestead entry or other entry of the public lands of the United States (Rept. No. 78).

Mr. LODGE, from the Committee on Foreign Relations, to which was referred Senate resolution 110, requesting the President to send to the Senate a copy of the treaty between Germany and Japan, negotiated between Oda, Japanese plenipotentiary, and the German Ambassador Lucius, reported it favorably with amendments and submitted a report (No. 84) thereon.

Mr. FALL, from the Committee on Foreign Relations, to which was referred Senate resolution 105, requesting the Secretary of State to inform the Senate why Nicaragua is permitted to invade Costa Rica; and why Costa Rica was not permitted to sign the treaty of peace at Versailles, reported it favorably with amendments and submitted a report (No. 83) thereon.

TAO HUNG CHANG AND ZENG TZE WONG.

The joint resolution (H. J. Res. 120) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Tao Hung Chang and Zeng Tze Wong, citizens of China, was read twice by its title and referred to the Committee on Military Affairs.

Mr. WADSWORTH. At a meeting of the Committee on Military Affairs of the Senate on Friday I was authorized to report a duplicate bill. This joint resolution had then passed the House of Representatives, but the Senate was not in session on Saturday, or on Friday for that matter, and I was authorized to wait until the House bill had been handed down in the Senate. I report the joint resolution back favorably without amendment from the Committee on Military Affairs and ask unanimous consent that it be put upon its passage.

Mr. WALSH of Montana. Will the Senator from New York kindly advise us why this extraordinary action should be taken with reference to these two men?

Mr. WADSWORTH. The West Point course which these men have been sent from China to take part in has commenced, but there was a misunderstanding as to the number who were to come. The two Chinese students are here, and they can not be taken into the academy until authorized by an act of this sort. Each day makes an added embarrassment in their situation. This request comes as an urgent call from the War Department.

Mr. WALSH of Montana. Do we undertake at West Point to educate students sent to the institution from other countries?

Mr. WADSWORTH. On several prior occasions Chinese students have been admitted to the West Point Military Academy. These students have arrived in the United States pursuant to an invitation and the general understanding of the War Department, based upon precedents in the past.

Mr. WALSH of Montana. What other nations send students to West Point?

Mr. WADSWORTH. My recollection is that we have admitted a couple of Filipino students to West Point. We have had one or two Chinese students there for some time. In this case a misunderstanding arose as to the number of Chinese. The Chinese Government very thoroughly understood that two students were to be admitted. The two have arrived, and the War Department is very anxious to have their admission authorized by Congress.

Mr. WALSH of Montana. Has the policy of the admission of Chinese students to the academy been the subject of earnest consideration by the Military Affairs Committee?

Mr. WADSWORTH. Yes; it was authorized by Congress some time ago. There is nothing new in the situation.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEAR EAST RELIEF ASSOCIATION.

Mr. CUMMINS. On behalf of the Judiciary Committee I report back favorably without amendment the bill (S. 180) to incorporate Near East Relief, and I ask for its present consideration. A similar bill passed the Senate at the last session. There is urgent need for its passage now, and I ask unanimous consent for its present consideration.

Mr. KING. Reserving the right to object, I should like to ask the Senator from Iowa why this organization may not be incorporated under the District law or under the law of some State? I should like to ask the Senator where he finds authority for the Federal Government to charter a private organization for the purpose of carrying on private work or philanthropic work?

Mr. CUMMINS. This is incorporated as a corporation of the District of Columbia. I do not think there is any ordinance or law in the District of Columbia that would enable these people to incorporate to the same advantage and effect that they can incorporate under an act of Congress. It is the unanimous report of the Judiciary Committee.

Mr. KING. I shall ask that the bill be read. My opinion is that the bill has many objections, and there is serious question made as to the power of the Federal Government.

Mr. CUMMINS. Does the Senator from Utah object?

Mr. KING. No; I do not object to the consideration of the bill. I ask that it be read.

The VICE PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill.

Mr. KING. If I may interrupt the reading, will the Senator from Iowa consent to hold his request in abeyance until I can have an opportunity to examine the bill? I was compelled to be absent from the committee this morning. After the Senator from Virginia [Mr. SWANSON] has concluded his remarks I shall join with the Senator to-day in requesting that the bill be brought up for consideration.

Mr. NELSON. Will the Senator yield to me?

Mr. KING. I yield.

Mr. NELSON. There is a great demand for the passage of this bill. There are a great many people in Minnesota, in the Twin Cities especially, who are very anxious to give relief to the Armenians, and they feel that they can not well do it unless we have this corporation operated. In order that we may help to promote the cause of the poor Armenians and secure ample funds in this country the bill ought to pass. I trust the Senator from Utah will consent to its passage.

Mr. KING. I have had many requests of the same character as those to which the Senator refers, and of course I am entirely in sympathy with any proposition that will secure relief for the Armenians, but I do have some question as to the right and power of the Federal Government to give a charter for private purposes.

My request, however, is merely that the matter be laid over temporarily until I can have an opportunity to examine the bill.

Mr. CUMMINS. Mr. President, I certainly will yield to the request made by the Senator from Utah [Mr. KING], but I do hope that during the day we may be able to consider the bill. It is of the highest importance that if it is to become a law at all it shall become a law within a very few days.

Mr. KING. I will say to the Senator from Iowa that even though I conclude to oppose the bill, I shall join in the request that it be taken up during the day.

Mr. CUMMINS. Then I withdraw the request for unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be laid aside temporarily.

WHITE RIVER BRIDGE.

Mr. CALDER. I am directed by the Committee on Commerce to report back favorably with amendments the bill (S. 2254) extending the time for the construction of a bridge across the White River at or near Forsyth, Mo., and I submit a report (No. 82) thereon. I call the attention of the junior Senator from Missouri [Mr. SPENCER] to the bill.

Mr. SPENCER. If there is no objection, I ask for the present consideration of the bill. At the last session of Congress authority was given to construct a bridge at Forsyth across the White River in Missouri. The commencement of the bridge was prevented because of the war. The War Department has reported favorably upon the extension for a year of the time within which the bridge may be commenced. Such extension is provided for by this bill. If there be no objection, I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in line 5, after the word "built," to insert "by the Forsyth special road district of Taney County, Mo."; and in line 7, after the word "date," to insert "of approval," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge, authorized by an act of Congress approved April 8, 1918, to be built by the Forsyth special road district of Taney County, Mo., across the White River at or near Forsyth, Mo., are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOAN OF TENTS.

Mr. LENROOT. From the Committee on Military Affairs I report back favorably without amendment the joint resolution (H. J. Res. 65) authorizing the Secretary of War to loan tents for use at encampments held by veterans of the World War, and I submit a report (No. 81) thereon. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That the last proviso of H. J. Res. 11, approved March 2, 1913, be, and the same is, amended to read as follows:

"That hereafter no loans of tents shall be made except to the Grand Army of the Republic, the United Confederate Veterans, the United Spanish War Veterans, and to recognized organizations of veterans of the late World War by whatever name they may be known."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TREATY OF PEACE WITH GERMANY.

Mr. MOSES, from the Committee on Printing, to which was referred Senate concurrent resolution 5, submitted by Mr. LODGE on the 10th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 50,000 copies of the treaty with Germany in the English text alone and without maps, 10,000 of which shall be for the use of the House of Representatives and 40,000 for the use of the Senate.

ADDRESS OF HON. WILLIAM B. WILSON.

Mr. MOSES, from the Committee on Printing, reported the following resolution (S. Res. 117), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Vice President on June 30, 1919, entitled "Speech of Secretary of Labor Wilson at Atlantic City, June 13, 1919," be printed in the CONGRESSIONAL RECORD.

The address is as follows:

ADDRESS OF HON. WILLIAM B. WILSON, SECRETARY OF LABOR, BEFORE THE AMERICAN FEDERATION OF LABOR CONVENTION, ATLANTIC CITY, N. J., JUNE 13, 1919.

"Mr. President and fellow trades-unionists, it is a great pleasure to have the opportunity of being present, even though it may be at but one of the sessions of this historic victory and reconstruction convention of the American Federation of Labor.

"The wageworkers of our country have reason to be proud of the part which they played in the great World War for freedom and democracy. You have reason to be proud not only of the part you have taken in the struggle but of the great part that has been played in the contest by your seelcted representative, the president of the American Federation of Labor. [Applause.] Upon him has devolved not only the direction of your forces and associated forces in the great struggle against the military autocracy of Germany, but there has also fallen upon his shoulders—and he has borne the burden manfully; he has directed the movement intelligently—the great burden of conducting the battle against the other insidious forces that would endeavor to utilize violence for the destruction of democracy—the powers of Bolshevism as expressed in some of the countries of eastern Europe.

"The part played by labor has been due in a great measure to the appreciation by labor of the development that has taken place in the progress of human democracies.

"I have a theory, and time alone will demonstrate whether the theory is sound, that every individual and every group of individuals becomes influential in the affairs of the Government just in so far as the individual or the group of individuals is necessary for the defense of the State. I know my British friends will pardon me if I refer to what in my mind was the great starting point in the development of modern democracy. I do not look upon the Battle of Bannockburn as being purely the heritage of the people of Scotland alone, but I look upon it as being the heritage of the masses of the people of all the world. Those of you who are familiar with the history of that struggle and the ones preceding it realize that up until that time the only people who had been permitted to participate in the affairs of government were the monarchs and the nobility, the nobility comprising the flower of knighthood. The nobility were permitted to participate because the man on horseback and in armor was the man who at that time was necessary for the defense of the State. Nearly all of the nobility of Scotland had been brought up at the court of England, and when the Battle of Bannockburn took place very few of the men in armor were on the side of the Scottish monarch. He had to depend for his support in the conflict upon the yeomanry of his country, and for the first time in the history of warfare the yeomanry, with pikes in their hands, were formed on the battle field of Bannockburn in what has since come to be known as the hollow square, only in that case it was the hollow circle. The historians have failed to grasp the importance of that situation. They tell us of the pitfalls that had been made on the moor for the horses of the English monarch and his men, and how some of these fell into the pits. There were a sufficient number who crossed over the moor to have crushed the Scottish army if it had not been for the new military tactics which the necessity of the situation compelled Bruce to employ, and he formed his men into hollow circles to receive the men of the opposing forces on their pikes, and when the nobles came they came onto the pikes of the yeomanry and were destroyed. The yeoman at that moment became a more important factor in the defense of his country. The British monarch was later compelled to follow the same tactics that Bruce had followed. And when the wars were carried by Edward over onto the Continent, with the yeomen as a fighting factor in his armies, the European military chiefs were compelled also to change their tactics. From that period dated the fall of knighthood and the beginning of manhood. [Applause.]

"Slowly the masses of the people represented in the yeomanry began to realize their importance, and before the reign of Bruce had passed they had compelled him to yield concessions to the yeomanry of his country, and this was true also of Edward and true over all the Continent.

"The individual, the man in the mass, the toiler of society, began to see the dawn of a new day. It took centuries before it began to crystallize, but those same people, coming over to our country, settling on our shores, carried with them the ideals of the importance of the workers of humanity. When our Declaration of Independence was proclaimed to the world, when it was being prepared before it was given to the world, there came down from the North those who insisted that there should be included in the document the statement that taxation without representation was tyranny, and there came up from the South workers who in the meantime had become imbued with a spirit of racial aristocracy, but yet were imbued with the same thought that had developed on the other side of the water, who insisted that there should go into the Declaration of Independence that basic principle of all democracies—that every government derives its just powers from the consent of the governed. [Applause.]

"Modern warfare has still more thoroughly accentuated that thought. In the battles of ancient times it was frequently possible for large armies to support themselves upon the country in which they were operating, receiving but a small portion of their supplies from home. From the days when Joshua overcame the enemies of Israel until Sherman made his famous march to the sea great armies supported themselves upon the country in which they were fighting. That is no longer possible. It has been variously estimated that it takes anywhere from 6 to 10 workers in the rear to maintain 1 soldier in the trenches. Consequently the workers of all the world have become more important factors in the defense of their respective countries, and they are insisting and will continue to insist that in the consideration of the problems of reconstruction the laws shall be so constructed and social affairs so conducted that every individual in the community shall have the greatest possible opportunity for self-determination. [Applause.]

"The labor movement of this country is no exception to the rule in that respect. We have in our country our faddists—people, many of them, who have never had experience in the practical problems of life. Some of them have been following after false gods. It is not those who are following after the false gods that will be the saviors of the workers of our country. It is those who have persistently made and are continuing to make self-sacrifice for the common good who will achieve results.

"I recall, and I may have mentioned it to you on previous occasions, but it will bear repeating—I recall the conditions we found in the Middle West when the President's Mediation Commission was sent out to investigate the conditions brought about by the activities of the Industrial Workers of the World some two years ago. The Industrial Workers of the World had almost gone out of existence prior to that time. Suddenly there was a renewal of activities. Industries that were essential for the success of the war were being tied up. There seemed to be no way of keeping them in operation. The President appointed a commission of which I had the honor of being chairman. We found some oddities and many crude theories that the average man in the labor movement would not stand for. We found that people were coming in on the roads to the mining camps of the mountain regions, coming in quite large numbers, and prac-

tically overnight establishing locals of the Industrial Workers of the World, and then, without submitting the questions to the voice of the workers themselves, either through organization or otherwise, declaring strikes against the companies that were operating; declaring those strikes for a given wage and for a given number of hours, refusing to meet the employers in conference and insisting that it must be this rate which they published and no other, and that idleness would follow the employers' refusal to comply with their demands.

"But that was not all. We found that wherever the legitimate evolutionary aspirations of the workers were given an opportunity to develop, there the I. W. W. found no foothold; that it was only in the places where there was the iron hand of repression on the part of the employer used upon the workers themselves that this peculiarly revolutionary spirit found expression. It found expression in addition to the manner I have stated in the philosophy that was being taught.

"They announced as the basis of their movement the philosophy that every man is entitled to the full social value of what his labor produces. Now that philosophy is purely of socialistic origin. It had its first exponent in Marx. It is also a philosophy that every individualist can subscribe to with thoroughness and with complete acceptance of the principle. Every man is entitled to the full social value of what his labor produces. The great difficulty has been that human intelligence has not yet devised a method by which we can compute what the social value is of anyone's labor. No one can compute the value of your labor; no one can compute the value of my labor; no one can compute the value of the labor that has been performed by the president of this organization, or the labor that was performed by the man with a pick and shovel in the ditch. Our intelligence has not yet devised a method by which we can compute it, and so, in the years gone by, we have endeavored to make the computation by one of three processes—by the process of the employer using his economic power to arbitrarily fix the compensation of the workers; by the process of the worker, using his collective power, arbitrarily fixing the compensation and imposing it upon the employer; and by the process of negotiation.

"It is the process of negotiation that the American labor movement has insisted upon for the bringing of the different elements together and endeavoring to work the problems out on as equitable a basis as the circumstances will permit. But there is a wide misapprehension of the scope of the labor movement of our country. There are those who assume that the negotiations that the American labor movement seeks with the employers only involve consideration of the question of wages or the hours of labor. But the negotiations that the American wage workers, the labor movement of America, stand for include in their scope every industrial activity that affects the mental, the material, or the spiritual welfare of mankind.

"They laid down as the second step in their philosophy that property is only valuable in so far as profits can be secured from the property, that if you eliminate the profits the property will become valueless and no one will want to retain it; and that, so far as it goes, is also sound. If there is nothing that can be produced from a piece of property that will be valuable to mankind, then no one wants to be bothered with the possession of that property.

"Then came what to my mind and to the minds of the great bulk of the trade-unionists of this country that I have come in contact with was the poison in their whole philosophy. They said that the way to destroy the value of the property was to strike upon the job—that is, to 'soldier,' as we say here in the East; to produce a stint, as they say in Great Britain; to put sand on the bearings, to break the machinery, to reduce production, and to reduce the amount of returns from labor to as small a point as possible and enable the worker to retain his job; then in this way the profits would be destroyed, the value would be eliminated, the owner would no longer desire to retain the property and it could be taken over by the workers, operated collectively, and the workers secure the full value of what their labor produced.

"Whatever there may be of value in the collective ownership and operation of property, there is at least no value whatsoever in that method of bringing it about. [Applause.]

"All we had to do amongst those workers in the Middle West was to point to the historical fact that prior to the rebirth of the inventive genius of man, prior to the building up of our modern factory system with its wonderful processes of machinery, when everything that was produced was produced by hand, there was a much smaller production per individual than could possibly result from any system of sabotage that could now be introduced; and yet in those days there were still profits for the employers and there was still value to the property. What did result was a very much lower standard of living for the workers; and the only thing that would result from such a scheme now would be a lower standard of living for the wage workers of the present, and our wage workers are not going to stand for any system that will lower their standards of living.

"The employers and the employees have a mutual interest in securing the largest possible production with a given amount of labor, having due regard to the health, the safety, the opportunities for rest, recreation, and improvement of the workers. These being safeguarded, the larger the amount that is produced the larger will be the amount that there is to divide. If there is nothing produced, there will be nothing to divide; if there is a large amount produced, there will be a large amount to divide. Their interests diverge only when it comes to a division of what has been mutually produced; and if they are wise in their generation in these modern times, with labor realizing its importance in the defense of the country and the maintenance of the country, instead of solving the problem by the use of the economic power on the part of the employer, imposing his will upon the worker, or the use of collective power on the part of the employees imposing their will upon the employers, they will sit around the council table and endeavor to work out the problem on a democratic basis that will secure to each all that he is entitled to receive. [Applause.]

"Closely allied to the work of the I. W. W., during the past year at least, there has been more or less Bolshevist agitation in the United States. It has not been to any great etxent prevalent amongst the real workers of the country; it has existed principally amongst the 'parlor coal diggers' of our greater cities. I have no fear of a political revolution in the United States. It may be possible that these 'parlorites' may misguide a sufficient number of laboring men to cause local disturbances that will be annoying, but no one in the ranks of labor, whether he is classed as an extreme radical or an extreme conservative, or any of the elements between these two, will stand for Bolshevism for a minute when he knows what Bolshevism itself stands for.

"They talk a great deal about the dictatorship of the proletariat. We who have been more or less familiar with the theories that have been promulgated by Marx and his assertion of the dictatorship of the proletariat had interpreted the term to mean that a majority of the workers of the land would determine the policy of it and impose it upon the balance of our people. And our workers are not willing to accept even that kind of a principle. They realized the many centuries of struggle there had been to secure the franchise on the part of the workers in the face of the claims that had been made that they had no property to be taxed, and, having no property to be taxed, they should have no voice in imposing the taxes; and, further, that they had not developed enough; that they had not sufficient intelligence to be permitted to participate in the affairs of state. During all the centuries there has been a struggle to remedy the wrong, and the basis of that struggle, the basis of the contention of the workers, has been that every person who has to obey the laws of a country ought to have a voice in determining what those laws should be. Having fought all through the centuries for the accomplishment of that ideal, having accomplished this purpose, the American workingman was not disposed to impose the same kind of a disfranchisement upon other portions of the people that he did not want imposed upon himself.

"The Bolshevists did not even take that interpretation of the dictatorship of the proletariat as their guide in the countries where they are just now supreme. In his long speech before the national soviet at Moscow a little more than a year ago, Lenin laid down the principle that the dictatorship of the proletariat meant the dictatorship of a self-selected, so-called 'advance guard'; that the proletariat himself was not to be trusted because he would waiver, and that this self-selected advance guard would impose its will upon the workers and the others must obey, and in that obedience was included obligatory labor.

"From the time that Moses led the Israelites out of bondage in Egypt until Lincoln issued the emancipation proclamation the struggle of the masses has been to get away from slavery, to get away from compulsory labor, and yet it is proposed by this new form of government to reintroduce obligatory labor upon the workers of the world, imposed upon them by a small group of the 'parlorites' of Russia. The great distinction between slavery and freedom is that under freedom every man shall have the right to cease work for any reason that may be sufficient to himself. [Applause.]

"We have protested to the extent of sacrificing our blood and our treasure against the military autocracy of Germany, and

yet the military autocracy of Germany was built upon the selfsame idea, that the Kaiser and his group of advisers knew better what the workingman desired, what he needed, and what was good for him, than the workers knew themselves, and this new group is setting itself up as the advance guard, taking exactly the same position that they know better what is good for the workers than the workers know themselves, and that one of the things that is good for them is that they must be compelled to labor at any price that the advance guard may say, at any kind of work they may determine, for any number of hours the advance guard may decide upon, and the powers of government are to be used to enforce that will. That is their policy.

"The American workingman wants nothing of that kind of dictatorship of the proletariat. The American workingman wants nothing of that kind of obligatory labor. The American workingman wants nothing of the political, social, or economic conditions that have existed and still exist in Russia. We have worked out our destiny far beyond that stage, and we are going to continue to work it out to the achievement of higher ideals, not by the will of an advance guard, no matter how right or just their position may be, but by the will of the majority themselves.

"The use of force, as some of these people are advocating, for the overthrow of our institutions, we will not tolerate. Why, my friends, our institutions have been until recently the most completely democratic institutions in the world, and it is only recently that Great Britain has come up shoulder to shoulder with us. Our Declaration of Independence, while it declared, as I have stated, that governments derive their just powers from the consent of the governed, did not give to all of the people a voice in the affairs of state. The adoption of our Constitution did not give that right, that privilege. It was not until after 60 or 70 years of struggle that there came to the workers of our country practically universal manhood suffrage and every element in our country had at least the right to a voice in determining how the affairs of state should be conducted.

"In eastern Europe they had not reached that stage of development. The workers were not permitted to have a voice in determining the affairs. The only method by which they could bring about change was by the use of force. Force over there and force here are two different propositions. The use of force to overthrow an autocracy may be the highest kind of patriotism. But the use of force to overthrow a democracy is treason to the masses of the people. We are proceeding by evolution, not by revolution. We have the power of the ballot to remedy our grievances. If we fail to use the ballot rightly the fault is our own. And those of us who can not be depended upon to vote right can not be depended upon to shoot right. [Applause.] And may I add that in making that statement I am not advocating either the attachment to any political party or the creation of any new political party. Our conditions here are very much different from the conditions on the other side of the ocean. Over there there is a snug little island. The great majority of their people are engaged in industrial and commercial pursuits. A separate party over there can, without having an accession from the intellectuals, become a majority party. That is not the case in our country. There are just as many people engaged in agricultural pursuits, in pursuits that do not lend themselves to organizations, as there are engaged in industrial pursuits, and even if we were able to solidify all of the wage workers of the country in a common mass, as the others would solidify against us, we could not become a majority party, and any progress we might attempt to make would be retarded as a result of the partisan feeling that would be engendered by virtue of these contests. And so we are in a position where we can, if we will, organize a separate party, or we can pursue the policy that has been pursued successfully so far, and that is to throw the weight of our support, of our influence, to the individuals or to the parties that for the time being are willing to go along with our program.

"May I also, Mr. President, take this opportunity of giving a word of advice in connection with another situation that has been tense throughout the country? The advice is given freely, honestly, and earnestly. You may accept it or leave it as your own judgment tells you is best. I have been very much interested in the Mooney case. I was requested by the President when his commission went West to look into the Mooney case and report to him. We looked into the Mooney case, and in doing so we came to this conclusion: That, so far as the jury was concerned that passed upon the evidence presented to it, it could have come to no other conclusion under its sworn duty than to convict Mooney; that, so far as the judge was concerned who tried the case, he tried it with absolute fairness. But there were some things existing in addition to that. At the time of the trial certain evidence had been given by certain individuals relative to the supposed activities of Mooney. It afterwards developed that one of the principal witnesses had written to a friend of his in Illinois asking him to come to San Francisco and be prepared to testify that he had seen Oxman, the witness, at a given point at a given time, so as to testify to the possibility of Oxman's being at the point where he claimed to have secured the evidence. The commission was of the opinion that in view of that change in the evidence, and in view of other changes that had taken place in the evidence from the date of trial, Mooney ought to be given a new trial, and his innocence or guilt decided upon the evidence as it existed when this new evidence was produced. [Applause.]

"At that time I had no fixed opinions as to either the guilt or the innocence of Mooney. With me it was not a question of whether Mooney was guilty or was innocent, but a question of securing a fair trial for him under the existing circumstances. [Applause.] Every effort that the national administration was able to put forth was put forth for the purpose of trying to secure that new trial, and we are not through with it yet. We are still working on it. [Applause, long and continued.]

"But that is not the phase of the situation that I particularly wanted to advise you about. I am simply stating these facts as preliminary to what is to follow. There has been carried on throughout the country a nation-wide agitation for a universal strike as a protest against the conviction of Mooney. My friends, do you realize just what that action means to the masses of the people? Do you understand fully—most of you do—the struggle that has taken place in order that trials may take place by jury where people are accused, with the accused having the opportunity of meeting the witnesses and the jury face to face, and the jury having the opportunity of witnessing the manner in which the witnesses give their testimony? That change, the establishment of the jury system, was not brought about for the purpose of protecting the monarch or protecting the nobility. It has not been principally essential for the protection of men of great wealth; they have usually been in a position to protect themselves. The jury system was brought into existence for the purpose of protecting poor fellows like you and me from the power and influence of the other fellows.

"It may occasionally miscarry; occasionally an injustice or a wrong may be done, but in the great bulk of cases justice is meted out through the jury system. Neither you nor I nor anyone in the labor movement, no one who belongs to the great masses of our people, can afford to undertake to try Mooney by the process of a strike. [Applause.] If he is to be tried he should be tried by a jury that can meet him face to face and meet the witnesses face to face and be able to digest the evidence as it comes out, bit by bit. Very few of us have had an opportunity of examining the evidence in the Mooney case, very few of us know anything more about the Mooney case than simply that which is connected with Oxman, one of the principal witnesses, and yet it is proposed that every workingman in the country, whether he has information concerning the Mooney case or not, shall become a juror in this case, and at the same time that he becomes a juror shall enter into a strike to bring about a decision. What influence will it have? The man who under our laws can pardon him or liberate him from prison is not under the jurisdiction of the voters of any other part of the country than that of California. And I do not know but that, even though there may be a miscarriage of justice occasionally, it is a wise thing that that is the case. The further you get the responsible officers removed from the electorate the less influence the electorate has with those responsible officers, and while the responsible officers may occasionally pursue a course that is not acceptable to the multitude, it is better that they should be close to the multitude, close to the electorate, than that they should be far removed, as would be the case if the responsibility rested with the Federal official instead of with the State or local official.

"My friends, we in this country have been moving on by the evolutionary processes, taking hold of the problems that confront us, holding fast to that which experience demonstrates to be good, letting loose of those things which experience demonstrates to be bad. It is the safest method, the surest method. Revolutionary processes may move us forward rapidly for a brief period. On the other hand, the chances are that when a revolution takes place no one will be able to determine where it will end. That has been true of nearly all the revolutions of the world, and the policy that has been pursued by the American labor movement of going forward by evolutionary processes, making sure of each foothold with every step that it takes, so that there will be no step backward, is the surest and best process for the achievement of the highest ideals of mankind. I thank you. [Applause, long and continued.]"

REPORT OF THE UNITED STATES HOUSING CORPORATION.

Mr. LENROOT. Mr. President, on the 1st instant the United States Housing Corporation submitted, in response to a resolution of the Senate, a report of its operations, and it was ordered to lie on the table. I ask that the report be taken from the table and referred to the Committee on Public Buildings and Grounds.

The VICE PRESIDENT. Without objection, that action will be taken.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RANSDELL:

A bill (S. 2432) granting a pension to Marietta Hubbell Baldey; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 2433) to authorize the establishment of a Coast Guard station on the coast of Florida, at or in the vicinity of Lake Worth Inlet; to the Committee on Commerce.

By Mr. WALSH of Massachusetts:

A bill (S. 2434) to provide that the commissioned personnel of no corps or department of the Army need be reduced below the authorized peace-time strength (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 2435) granting an increase of pension to Peter Powers;

A bill (S. 2436) granting a pension to Mary T. Noonan; and

A bill (S. 2437) granting an increase of pension to Annie K. Stearns; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 2438) to prohibit intoxicating liquors and prostitution within the Canal Zone, and for other purposes (with accompanying paper); to the Committee on Interoceanic Canals.

By Mr. PHELAN:

A bill (S. 2439) granting an increase of pension to Charles D. Robertson, alias Charles D. Harris (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 2440) for the relief of the estate of John M. Lea, deceased (with accompanying papers); to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 2441) to provide for the placing of identification tags on horse-drawn vehicles used for business purposes within the District of Columbia; to the Committee on the District of Columbia.

By Mr. STERLING:

A bill (S. 2442) authorizing and directing the Secretary of the Interior to convey to the Yankton Agency Presbyterian Church, by patent in fee, certain lands within the Yankton Indian Reservation; to the Committee on Public Lands.

A bill (S. 2443) for the relief of Fred N. Dunham; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 2444) to create the commission on rural and urban home settlement; to the Committee on Agriculture and Forestry.

A bill (S. 2445) to permit the reenlistment of Omer G. Paquet in the United States Army;

A bill (S. 2446) to amend section 1318, Revised Statutes;

A bill (S. 2447) for the relief of the Philippine Scouts; and

A bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes; to the Committee on Military Affairs.

A bill (S. 2449) to carry out the findings of the Court of Claims in the case of Arthur E. Colgate, administrator of the estate of Clinton G. Colgate, deceased;

A bill (S. 2450) for the relief of the owners of the British steamship *Clearpool;*

A bill (S. 2451) for the relief of the State of New York;

A bill (S. 2452) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co.; and

A bill (S. 2453) to carry into effect the finding of the Court of Claims in the case of Elizabeth B. Eddy; to the Committee on Claims.

By Mr. WALSH of Montana:

A bill (S. 2454) for the relief of certain members of the Flathead Nation of Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROBINSON:

A bill (S. 2455) to establish game sanctuaries in the national forests; to the Committee on Agriculture and Forestry.

By Mr. NEWBERRY:

A bill (S. 2456) granting an increase of pension to John H. Calwell; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 2457) to provide for a library information service in the Bureau of Education; to the Committee on Education and Labor.

A bill (S. 2458) granting an increase of pension to Charles L. Stevens; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 2459) granting a pension to Alice B. Elliott; to the Committee on Pensions.

A bill (S. 2460) for the relief of Maj. Gen. Jesse McI. Carter; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 2461) granting a pension to Helen A. Perrill (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 2462) granting a pension to Amanda Wynas (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 2463) granting an increase of pension to Alexander Reed;

A bill (S. 2464) granting an increase of pension to Andrew J. Jones;

A bill (S. 2465) granting an increase of pension to Mairdreth Landres;

A bill (S. 2466) granting an increase of pension to William Carpenter;

A bill (S. 2467) granting a pension to Augustus Harless; and

A bill (S. 2468) granting an increase of pension to George W. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 71) directing the identification and marking of graves of men who died abroad in the service of the United States; to the Committee on Military Affairs.

EMMA V. KENNEY.

Mr. CALDER submitted the following resolution (S. Res. 118), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Emma V. Kenney, widow of Beverly W. Kenney, late a laborer in the employ of the United States Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

GENERAL STAFF CORPS—MEDALS OF HONOR.

Mr. CHAMBERLAIN submitted the following resolution (S. Res. 119), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate copies of all reports, memoranda, opinions, decisions, instructions, and orders that are on file or of record in Washington, D. C., under control of the War Department and that relate to the interpretation or execution of the provisions of section 5 and of section 122 of the national defense act, approved July 3, 1916.

COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. SHERMAN submitted the following resolution (S. Res. 120), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths, and to employ a stenographer to report such hearings as may be had in connction with any subject which may be pending before said committee, and such other expert assistants as may be necessary, that the committee may sit during the sessions or recesses of the Senate, and that the expense thereof be paid out of the contingent fund of the Senate.

ADDRESS OF SENATOR JOSEPH E. RANSDELL.

Mr. GAY. I ask unanimous consent to have printed in the RECORD an address delivered by the senior Senator from Louisiana [Mr. RANSDELL] before the graduating class of the Louisiana State University at Baton Rouge on June 16.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

AMERICA'S PART IN THE WORLD WAR.

(Address of United States Senator JOSEPH E. RANSDELL before the graduating class of Louisiana State University at Baton Rouge, June 16, 1919.)

"In order to appreciate the part played by the United States in the World War, which practically ceased on the 11th of November last, we must diagnose the general situation when our country entered the combat, and understand the truly colossal proportions of this the greatest war that ever afflicted mankind. On April 6, 1917, when war was declared by Congress, Germany and her allies had been remarkably successful; their armies had been victorious in many battles and large areas had been conquered; their submarines were rapidly de-

stroying ships of Great Britain, France, and Italy, and vessels of neutral nations, including our own, were suffering terribly.

"War in its most horrible and ruthless form, a war of savagery such as the world had not witnessed for centuries, convulsed all Europe and portions of Asia and Africa. Never had there been such enormous destruction of life and property among the fighters on land and the civilian populations. On the sea ships were being torpedoed and sunk at a rate which seriously threatened the ship supply of the whole world; 13,000,000 gross tons of shipping, one-fourth of all the commercial vessels on earth, were destroyed before the close of the war. In former wars ships of commerce were captured as prizes, were added to the fleets of the conqueror, and the world at large suffered small loss of tonnage; but the submarines took no prizes, all their victims were sent to the bottom, resulting in complete loss to victor, vanquished, and neutral.

"A few comparisons will illustrate the immensity of this war. In our Civil War between the States the loss of life on both sides was estimated at 200,000, and the cost was $4,750,000,000. In the Franco-Prussian War the loss of life was estimated at 81,000, and the estimated cost was $2,534,000,000. One hundred and twenty-nine thousand seven hundred men were killed in the Russo-Japanese War, and it cost $2,500,000,000. In the present war the estimated loss of troops in battle and those who died of wounds, not including disease, was 7,582,300, and the estimated cost to the belligerents, not including property damage, was $179,000,000,000, of which the United States and its Allies expended about $120,000,000,000, while the Central Powers expended $59,000,000,000. A brief survey of these figures will show how insignificant, in terms of human life and money, were our awful Civil War, the great Franco-Prussian and Russo-Japanese Wars, when compared with the recent mighty conflict.

"What would have happened if America had kept out? Paris would certainly have fallen and the contest been prolonged indefinitely. The chances are that Germany would have won.

"Field Marshal Haig, April 13, 1918, issued a special order to his army in which he said:

"With our backs to the wall, each one of us must fight to the end.

"Lloyd-George in the House of Commons on the 9th of the same month spoke very plainly of the situation, and alluded to the 'splendid and generous way and promptitude with which America has come to our aid.'

"On the 31st of May following the British General Staff said:

"The situation is a very anxious one not only because the Germans have made such rapid progress—an advance of 26 miles in 4 days—but also because they still have such large reserves available to be thrown into the battle at any point.

"Col. Charles Repington, of England, said in the Atlantic Monthly for August last:

"The leadership of your President and the energy and patriotism of your people are exceedingly helpful to us and enable us to regard the future with confidence, in the firm belief that America having set her hand to this giant's task of overthrowing the most dangerous despotism that has ever threatened the world's peace will never turn back or faint by the way until her mission is accomplished.

"Ludendorff, one of the ablest of the German generals, is credited by the press with having said recently that beyond question the Entente Allies would have been defeated but for the aid of America. And this is the general conviction of the American people.

"If Germany had been victorious, free government would have disappeared from Europe for ages, and the effects on free institutions in America and elsewhere would have been very bad, probably ruinous. Germany's system of philosophy idealized the State. Its Government was a great centralized system, under which all were taught from their earliest years to look to the central authority for everything, and that individual rights and aspirations were subordinate to the State in all things. The State had absolute control over education and taught that efficiency was the highest aim of the citizen; that might was right; that the end justified the means; and that the Fatherland must dominate all other nations either by dishonest methods in business or by war.

"Prior to the outbreak of the war in 1914 German ideas of education had a strong hold in many of our schools and higher institutions of learning, and German efficiency, regardless of the means necessary to attain it, had many imitators in America. We were rapidly becoming as godless as Prussia herself. Had the Central Powers won this war and we remained neutral, I greatly fear that German philosophy, coupled with the prestige of her mighty victory and predominating influence throughout the world, would have made the United States a Nation of materialists, forgetful of God, indifferent to the higher things of life, regardless of the rights of other nations, and so addicted to selfishness and luxury that our free national life would have been destroyed just as the Republic of Rome fell 2,000 years ago from the same causes which wrought the awful ruin that has come to Germany and her allies. It is my sincere conviction that we were saved from this fate by entering the war on the side of the Allies and helping to defeat Germany. I believe also that it was essential to our national preservation for us to fight Germany, for had we kept out and the Central Powers won we would soon have been in a death struggle to preserve our very existence as a Republic.

"The world has been sorely chastened, and emerges from this Great War a better world than it was on August 1, 1914. While many horrible crimes were committed by the Central Powers in their lust of pride and strength, and some sins are doubtless chargeable to the soldiers and citizens of our country and its Allies, who were far from perfection, all of us—enemies, friends, and ourselves—have poured out a big holocaust of blood and treasure in expiation. Our sins have been washed away in the blood of 20,000,000 human beings who died as soldiers in battle or from disease and wounds, or as civilians from starvation, exposure, and sickness directly induced by the war.

"Our country was fortunate in possessing such a leader as Woodrow Wilson. He did everything possible to keep us out of the cruel war and withstood the utmost pressure for two years and eight months in futile efforts to maintain our neutrality. Like all men, he makes mistakes, but his ear has heard every heartbeat of the Nation; his finger has felt every pulse; his eye has seen every movement. Nothing affecting the common weal was too small or too large to receive his sympathetic personal attention. He brought to the consideration of all questions a cool, discriminating mind in a healthy body, regulated by just principles and great wisdom. When the story of the war is written by the future historian, after the passions of the day have subsided, among the many great names of this momentous period the highest place by general acclaim of mankind will be accorded to Woodrow Wilson.

"As a Member of the United States Senate it is not becoming in me to praise Congress, but I can not refrain from stating that no Commander in Chief of our Army and Navy since the birth of the Republic ever had more loyal, disinterested support in all his great war measures than were accorded to President Wilson by the vast majority of the Senate and House of Representatives—Democrats and Republicans alike—from the beginning till the armistice was signed. Congress did its full duty and is entitled to proper recognition; and what was Congress but the voice of the American people, the spokesman of our splendid citizenship, who entered this war and prosecuted it with unanimity and one-mindedness, determined to win regardless of cost and at all hazards. Never were our people so thoroughly and completely united, taken as a whole, as in this war. They acted as one man, and all their influence, their energy, their wealth, their fighting power, were concentrated in efforts to win.

"Our people were not actuated by desire of conquest or revenge, or the ordinary selfish motives which usually impel nations to go to war. We fought to maintain free institutions on earth, 'to make the world safe for democracy,' to preserve the freedom of the seas and the right of American vessels to sail unimpeded over all ocean highways, to maintain our national self-respect, and for all things that men hold dear—honor and the good will of other nations and the right to maintain our position as a free, independent people. We do not expect any indemnity for the twenty billions which the war has cost or the 113,000 noble young lives sacrificed to it. We will not accept one foot of German territory nor one dollar of German money. Our blood and are treasure were given to humanity, and our only reward is the knowledge that we did our duty, that we were apostles of liberty and civilization, and that the world at large as well as America will receive incalculable benefits from our efforts.

"The war was conducted with very few serious mistakes—certainly without any of the grave scandals that afflicted the country during our war with Spain 20 years ago. Nothing comparable to the embalmed beef and the pest-ridden camps of that period occurred. On the whole, those charged with the conduct of the war in all its branches—civil and military, at home and abroad—are entitled to the praise and thanks of a grateful Republic.

"In Gen. Pershing's report to Secretary Baker, November 20, 1918, occurs a fine passage, which is applicable not only to the brave soldiers of the line to whom it referred, but to many persons, male and female, in Europe and America and on the high seas, who were true heroes and heroines, many of whom gave their lives for their country. The general says:

"Finally I pay the supreme tribute to our officers and soldiers of the line. When I think of their heroism, their patience under hardships, their unflinching spirit of offensive action, I am filled with emotion which I am unable to express. Their deeds are immortal, and they have earned the eternal gratitude of our country.

"America has had many able generals, some of whom commanded very large armies, but not one of them as great an Army as our leader in this war, Gen. John J. Pershing. He has never become a popular hero, but he is a man of fine qualities; he is our principal military chief in the biggest war of our history, and as such we should honor him.

"One of Pershing's first acts after reaching France was to make a pilgrimage to the grave of Lafayette, and deliver there one of the shortest and most remarkable speeches on record, a speech of just four words, 'Lafayette, we are here,' words so simple yet so full of meaning, words comparable to the 'Veni, vidi, vici' of Julius Cæsar and destined to the same immortality. 'Lafayette, we are here' to cancel the heavy debt of gratitude America owes France for her invaluable service rendered through you and your compatriots in the dark days of our early struggle for liberty. It is 140 years, Lafayette, since you and your country came to our aid when weak and sorely pressed, and during all those years no opportunity has arisen to repay you. At last the chance has come, and we are here, Lafayette—America, with 100,000,000 people and countless wealth, all of which is at your disposal, and before we return home your savage enemy shall be driven from France, your ruthless foe crushed, your lands restored, not only those taken in this war but also the rich Province of Alsace-Lorraine, and full reparation made for all the wrongs done to you.

"One of the most remarkable things in military history was the self-abnegation of Pershing in merging his troops with the English and French divisions, thereby losing their identity. His famous letter of March 28, 1918, to Marshal Foch, says:

"I have come to say to you that the American people would hold it a great honor for our troops were they engaged in the present battle. I ask it of you in my name and in that of the American people.

"Foch accepted the offer, and for several months American troops were mingled in battle with the English and French commands.

"In this connection I wish to say that the greatest single contribution America made to the war was when President Wilson and his advisers induced the Allies, in the face of deep mutterings of discontent in England, to unify their military forces under one commander, and to coordinate their political policies under the direction of a single conference board. It took the combined pressure of the German drive and the Washington initiative to overcome British reluctance to a French generalissimo. The turning of the tide of battle dates from the accession of Foch to the command of the allied armies, March 29, 1918, and to the submission of matters of policy to the interallied conference at Paris. As long as each country—Great Britain, France, Italy, Belgium, and America—had its own general in command of its forces, there was no unity of plan nor concentration of armies to enforce it. The Central Empires were all directed by a German chieftain, and worked together as one man with marvelous success. Placing Foch in supreme command was following the wise example set by our enemies. He was the greatest military genius developed by the war. His leadership was splendid in every way, and he had no more loyal, devoted followers than Gen. Pershing and the soldiers of America.

"War was declared April 6, 1917, and June saw the first units of American combatant troops in France. In the 19 months elapsing from the declaration of war to the signing of the armistice 2,075,834 troops, including marines, were sent over. This was a stupendous accomplishment. In the language of Secretary of War Newton D. Baker, 'Nothing to compare with the movement of this tremendous number of men and tons of supplies across the Atlantic Ocean is known in the military history of the world.' Credit for moving the men must be shared with the Allies—the British in particular—but the cargo movement was conducted almost entirely in American ships, less than 5 per cent being carried in allied vessels.

"We had very few ships, and it was necessary to increase our fleet enormously. The inroads of submarines had reached the alarming total of 870,000 tons per month in April, 1917, and their deadly work continued. Lloyd-George begged for 'ships and more ships,' and without ships the war was lost; without ships we could not win. It was up to America to respond, and we responded nobly. Our ship workers suddenly increased from 50,000 to 350,000. We rapidly became a Nation of shipbuilders. The best brain and brawn of the country bent every energy to the task, and vast additions were made before the armistice was signed. A shipyard of 10 ways is a big yard, and yet we built one yard at Hog Island of 50 ways—five very large yards in one—on which 50 great ships were constructed at the same time, by long odds the greatest shipyard in the world, and yet some public men speak of extravagance and waste. Of course there was waste, but the idea of going slowly and carefully experimenting while millions of American boys faced frightful suffering and bloody death—patriotic men have no patience with such criticism.

"This great fleet of commerce carriers was manned by the American Navy, under the lead of its able Secretary, Josephus Daniels, the Navy which has always been the mainstay of the Nation as the first line of defense. While the Navy could not participate in the same sense as the Army, because all the German warships were bottled up and our naval vessels had no chance for action except as convoys to commercial vessels and destroyers of the submarine, its record was memorable. Only 48 vessels were lost during the war—14 by submarines, 5 by mines, 15 by collision incident to the dangers of navigating without lights in submarine-infested waters, and 14 from miscellaneous causes. Since October 1, 1917, there were 289 sailings of naval transports from American ports, and of all this vast movement of ships not one eastbound American transport was torpedoed or damaged by the enemy and only three sunk on the return voyage.

"The greatest single feat of the Navy was laying an antisubmarine barrage across the entire North Sea, a distance of 250 miles from Scotland to Norway. A total of 70,263 mines were laid, of which 56,611 were placed by our Navy and 13,652 by the British—four by us to one by the British. It is known that 10 German submarines were destroyed by this barrage, and its moral effect was far greater than its material, for the barrage was the direct cause of mutiny among the German submarine crews, which led the German Admiralty to abandon its submarine campaign, thereby greatly hastening the end of the war.

"In connection with the Navy, it is proper to mention the marines, who fought so heroically and successfully at Chateau-Thierry, Soissons, Thiancourt, Blanc Mont Ridge, and the Argonne, under the command of Louisiana State University's highest officer, Maj. Gen. John A. Lejeune, of the parish of Pointe Coupee, who led his class in the university for several years before entering Annapolis. While all America is proud of the marines, Louisiana State University is especially proud of their leader, Gen. Lejeune, and also of every one of her ten hundred and sixty-seven alumni who participated in the war, 29 of whom made the supreme sacrifice on the altar of patriotism.

"What shall I say about that branch of the fighting forces which appeared in this war for the first time in history—service in the air by aeroplane and balloon, which was very important and made almost miraculous advances. A striking instance is helium, a noninflammable gas for balloons, which cost seventeen hundred dollars a cubic foot and was very scarce at the outbreak of the war, but our scientists speedily produced it in quantity at 10 cents a cubic foot.

"An index of American superiority in the air during the later months of the war is shown as follows: Four hundred and eighteen German planes and 53 balloons were destroyed by our fliers, who lost during that period 199 planes and 35 balloons—about two and one-half to our one.

"A shining example of American prowess and fighting spirit is found in the meteoric career of Lieut. Frank Luke, of Phoenix, Ariz., which is fairly comparable to that of Sergt. York, of Tennessee, who captured a machine-gun nest, taking a number of machine guns and 132 prisoners. The sergeant was more fortunate than the lieutenant, for he lived to be acclaimed the greatest hero of the war, and was also victorious in love, as he led his boyhood sweetheart to the altar 10 days ago. Lieut. Luke established the world's record of destroying 18 enemy aircraft in 17 days. In his last flight he attacked a fleet of 10 enemy planes protecting their balloons. Two of the planes were shot down, and in spite of the remaining eight he burned three of their balloons. Seriously wounded, he was compelled to land in the enemy's lines. German soldiers rushed up, to be met with bursts of fire. He killed 11 of them. When at last they took him—dead—his pistol was still held tightly in his hand.

"And what did women do for their country when we went to war? It would be easier to tell what they did not do, for there was no great undertaking where they were not first and foremost.

"The Red Cross set tens of thousands of women to work while war was still afar off, a cloud whose shadow fell on the hearts of women long before it stretched across their hearthstones.

"And when war came to us, what was the first great gift of women? Our Army and Navy; our soldiers and marines; our airplane fliers and fighters. These splendid armies, these fleets of fighting men, were the gift of Columbia's daughters to Columbia when she sent out her call for her children to rally to her defense.

"And then what followed? When the men marched away the women kept up their own work and took up every essential

branch of work the men had dropped—in offices and stores, in machine shops, munition factories, street cars, as chauffeurs, farm laborers, dairy women, directing Government bureaus—and in whatever capacity they served the women of this Nation made good. They won for themselves in a few weeks a recognition that centuries of service had failed to bring. Civilization has made long strides in this country in the last four years, and women will find that the unselfish service they have rendered their land in numberless capacities will bring to them a thousandfold return in years to come.

"Speaking of women reminds me that some of our best thinkers believe that the one great outstanding fact of the war was the extraordinary care of the morals of our soldiers in training camps and elsewhere. For the first time in military history the moral welfare of soldiers was jealously safeguarded, and every precaution taken to protect them in that way as well as physically. When our soldiers reached Europe the fine discipline of our home camps was put into effect, and exercised very beneficial influence upon them as well as upon the soldiers of our Allies. The credit for this splendid work is due to the Commission on Training Camp Activities of the War Department, aided and assisted by the Red Cross, Young Men's Christian Association, Knights of Columbus, Salvation Army, and the Jewish Welfare Board, all of whom are entitled to the greatest praise.

"Medical science has improved so much in recent years that the total number of deaths from disease among our fighting forces in Europe during the present war—September 1, 1917, to May 2, 1919—was only 49,412, and by far the greatest percentage of these died from pneumonia and influenza. Had the same death rate prevailed as in the Spanish War there would have been 112,656 deaths from disease, and had the Civil War death rate obtained there would have been 227,094 deaths. This vast difference shows a truly remarkable advance and the great number of lives saved thereby. And this in spite of the terrible epidemic of influenza which extended throughout the world and caused the death of millions.

"Another thing very worthy of consideration in this particular is our physical reconstruction work among those injured in battle or otherwise. The results are often marvelous, and many instances can be cited where men very seriously wounded are so thoroughly restored to their normal functions that they enjoy a great degree of comfort and are able to continue as useful, productive members of society.

"If time permitted, I could dwell upon the great success of our selective draft, which mobilized for service every man in America below the age of 45; our marvelous Federal Reserve Bank System, which enabled us to avoid panics and provided ample funds for ourselves and our Allies; the splendid efforts of our farmers, who, under the lead of Herbert Hoover and his able assistants in every State, produced vast additional supplies of food to help feed the starving in Europe; our Government Railway Administration, which 'delivered the goods' after private transportation companies had failed; the various boards and commissions of patriotic men, who labored unselfishly for their country—but all these are matters of history.

"If all things connected with America's participation in the war are considered—its psychological effect in cheering our Allies and disheartening our foes, making the morale of the allied armies nearly perfect and practically destroying that of their enemies; the vast number of men actually engaged in our Army and Navy, upward of 4,000,000 when the armistice was signed, together with the fact, well known to Germany, that 23,709,000 males from 18 to 45 had registered for service under our selective draft; the splendid fighting of our soldiers and marines, starting with Cantigny and ending with the Argonne, and our sailors on the sea with that deadliest of foes, the submarine; the vast supplies of food and war material furnished to our Allies, including nearly nine billions of money loaned to them; the unparalleled record of transporting 2,000,000 soldiers and all things necessary for them over 3,000 miles of submarine-infested sea; the invaluable material and moral aid of every kind contributed by us—the conclusion is incontrovertible that we played a part of supreme importance, if not the determining part, in this momentous struggle.

"We have accomplished our aim. Autocracy has been destroyed in Europe; its people are free; democracy reigns.

"In the process of reconstruction among the new States that grew out of the old Empires of Germany, Austria-Hungary, Turkey, and Russia there will be many discordant elements, hard to fuse into the pure metal of real democracy, but they will ultimately succeed, and we must do all in our power to assist. A strong league of nations will be formed eventually, under the inspiration and leadership of our President, on a workable plan that will assist materially in adjusting national disputes and preventing future wars.

"The millennium is not at hand, and it seems too much to expect universal peace, but an earnest, united effort by every country on earth should be made to attain it, and the United States should lead therein. We gave freedom, prosperity, and happiness to Cuba; and with our aid it rose from its ashes to become a thriving Republic. We have ruled the Philippines with kindly wisdom most helpful to their people and have given them a large measure of self-government preparatory to full independence. Why not act in like manner, so far as differing circumstances permit, toward the struggling young republics of the Old World? To the query, 'Am I my brother's keeper,' we should answer, 'Aye, aye.' Many of our brothers are in sore distress—their young men killed, their houses burned, their food taken away, their farm animals gone, their industry at a standstill—chaos and revolution threatening. It is our duty to help these suffering brethren with counsel, with food, with money, and if need be even with a military force, as we did in the case of Cuba. We are the richest and most powerful Nation on earth. We possess many times 'ten talents,' and will be held to accountability for each one of them. We must not be selfish or contracted. Our vision must reach over all the world, and our good deeds be limited only by the needs of humanity.

"Young friends of the graduating class, I invite you to ponder well the great and noble part enacted by your country in this terrible war. I beg of you to resolve here and now, as you leave the portals of alma mater to follow the devious paths of life, that no word or deed of yours shall call the blush of shame to any honest cheek; that you will, each and every one, do your full duty as citizens of our beloved Republic; and will so live that the martyrs of America and other lands, who gave their lives to free mankind, shall not have died in vain."

JAPANESE CONTROL OF SHANTUNG.

Mr. PHIPPS. I send to the desk a letter received from Edward T. Lazear, of Fruita, Colo., protesting against the clause contained in the treaty of peace with Germany in regard to control of Shantung by Japan, and request that it be read by the Secretary and referred to the Committee on Foreign Relations.

There being no objection, the letter was read and referred to the Committee on Foreign Relations, as follows:

FRUITA, COLO., *July 5, 1919.*

Hon. LAWRENCE C. PHIPPS,
Washington, D. C.

DEAR SIR: Having lived in Shantung, China, at different places on the old German railroad, from 1913 to 1917, I feel that I am somewhat qualified to make a protest against the decision of the peace commission in giving Shantung to the Japanese. This is as great a calamity as could possibly befall our sister Republic. That great nation so badly in need of foreign counsel and help has been sold to the Japanese by a few unscrupulous officials in Peking; and now our own President declares himself in favor of giving to the Japanese legally the very thing that the grafting Judas Iscariots of Peking sold to the Japs for money. Any man who has lived in that Province, even for a short time, can not but feel very deeply about this outrage which we are liable to commit.

I lived at Wainsien on the German railroad, halfway between the two terminals, during the autumn that the Japanese attacked Tsingtau; and I was in Tsingtau a few weeks after the surrender. I have therefore seen the Japanese as they really are. I saw the Japanese Army march across the Province, violating all laws of neutrality and doing nothing different from the Huns in their march through Belgium. They levied taxes on all towns which they went through, lived off the Chinese, helped themselves liberally to live stock and property of all kinds, and killed objectors outright. The wells were polluted for months by the bodies of women and children who chose that death rather than subject themselves to the cruel mercies of the invading army. The military took over the Chinese post offices in the whole locality and censored all first-class United States mail matter. For months all the letters I wrote to this country dropped in a Chinese post office with Chinese postage stamps thereon arrived in America with Japanese stamps. A friend of mine who wrote to this country protesting against the treatment that the Chinese were receiving at the hands of the Japs and who mailed his letter in a Chinese post office was notified by the Japanese that he could no longer use the mails. And, true enough, every letter he thereafter mailed was returned to him opened. The Japanese are identical with the Germans in thought and action; for have they not modeled their military

system after that of the Huns and molded the German character into their own? If given control of Shantung they would govern it no different from the manner the Germans would have governed us had they conquered us in this war.

During the rebellion of 1915 I saw with my own eyes bands of Chinese rebels led by Japanese officers fighting the Government troops. The rebels were supplied with Japanese ammunition, and had practically carte blanche use of the railroad. On several occasions the rebels fired on the compound in which I lived; and in every case, on the following morning, Japanese officers called and asked us if we did not wish to place ourselves under their protection. If we had done so, the press would have announced to the world that the Japanese were the saviors of the American people in Shantung.

If the Japanese are allowed possession of Shantung it will not be long before the whole nation is absorbed. The Japanese are no more fit to rule the Chinese than a South Sea Islander is. Why, because a few officials in Peking sell their country, should we make a decision to let 40,000,000 people—and eventually 400,000,000 people—come under the domination of the Yellow Hun?

I trust that you will use your influence to have this clause struck from the treaty.

Very truly, yours,

EDWARD T. LAZEAR.

TREATY-MAKING POWER.

Mr. WALSH of Montana. In the year 1913 the junior Senator from the State of Minnesota [Mr. KELLOGG] was president of the American Bar Association, and delivered an address at the annual meeting of that association upon the treaty-making power of the Government. The document is particularly valuable for the information of Senators at this time, and I ask that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF THE PRESIDENT, FRANK B. KELLOGG, OF MINNESOTA.

(Presented at the meeting of the American Bar Association, at Montreal, Canada, Sept. 1–3, 1913.)

TREATY-MAKING POWER.

"Gentlemen of the American Bar Association, this is the first meeting of the American Bar Association outside of the United States. Though we meet in a foreign country, we do so among a people allied to us by every tie that binds nations in a common brotherhood. We are of the same race, speaking the same language, governed by the same general principles of law, inspired by the same traditions, working out as separate nations the same great destiny. I hope that the peace which has so long existed between these peoples may be further cemented, and mutual and friendly intercourse continue to increase. On behalf of the American Bar Association, I welcome this opportunity to extend to the officials and lawyers of the Dominion of Canada our sincere thanks for the great assistance they have rendered toward making this a memorable meeting of our association.

"The constitution of the American Bar Association requires the president in his annual address to review notable changes in statute law. Ordinarily this subject is rather dry and of little interest to the lawyers of other countries; yet at times these enactments of Congress or of the legislatures of the States touch upon subjects of absorbing general interest. The statute which has attracted the most attention, stimulated the widest discussion, and raised questions of the most far-reaching and momentous consequences to the Nation and its relations with foreign powers is the alien land law of California. This statute, which became a law on May 19, 1913, permits aliens eligible to citizenship to possess, enjoy, transmit, and inherit real property in the same manner as citizens. Aliens not eligible to citizenship may acquire, possess, enjoy, and transfer real property, or any interest therein, in the manner and to the extent permitted by any treaty existing between the Government of the United States and the nation of which such alien is a citizen, and not otherwise. In other words, such an alien, if not permitted by treaty, may not own, transmit, or inherit real property in the State of California, and such property if held in violation of the act is subject to confiscation to the State. Section 7 of the act provides: 'Nothing in this act shall be construed as a limitation upon the power of the State to enact laws with respect to the acquisition, holding, or disposal by aliens of real property in this State.'

"The treaty with Japan of 1911 provided that 'the citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses, and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects submitting themselves to the laws and regulations there established.'

"The question raised, which has received such wide discussion by publicists and journalists, is whether a State may, in violation of a treaty between the United States and a foreign power, regulate the ownership of real estate within its borders by citizens of such foreign country.

"I shall not stop to discuss the question of whether the treaty with Japan does give to her citizens within the United States the right to own real estate. It gives them the right to carry on trade, to own houses, manufactories, warehouses and shops, and to lease land for residential and commercial purposes. If citizens of Japan have any right to own real estate in California, it is difficult to see how this law takes away such right, because it provides in substance that such aliens may acquire, possess, enjoy, and transfer real estate in the manner and to the extent and for the purposes prescribed by any treaty.

"But the question has been squarely raised by the declaration of the Legislature of California which was intended and understood by the public generally to mean that California claimed such right notwithstanding any treaty provisions with the Federal Government.

"Arizona has adopted an alien land law more drastic than that of California; but this likewise provides that it shall not be so construed as to conflict in any manner with any treaty of the United States.

"In Washington a constitutional amendment has been submitted to the people providing in substance that if a resident alien becomes a nonresident for nine years his real property shall be vested in the common-school fund.

"The laws of these latter States have not attracted attention, but the passage of this law by the Legislature of California and the public discussion which followed have raised a question which may disturb the amicable relations heretofore existing between the United States and Japan—a question of vital importance to our Nation in its relation with foreign governments.

"I am convinced that there can be no serious doubt that the Federal Government may, by treaty, define the status of a foreign citizen within the States, the places where he may travel, the business in which he may engage, the property he may own, both real and personal, and the devolution of such property upon his death; that such a treaty constitutes the supreme law of the land; and that a State law contravening such a treaty is void and will be so declared by the courts in a suitable action.

"These propositions have been established by the laws and usages of all civilized nations, by the history of the times, by the opinions of the statesmen who framed our Constitution, by the provisions of the Constitution, by the universal practice of making such treaties from the days of the Confederation, and, lastly, by the repeated decisions of the Supreme Court of the United States and of many other courts during a period of more than 100 years. And yet, notwithstanding this array of authority, when the question arose, the Legislature of California, by an almost unanimous vote of its members and with the approval of its distinguished governor, took the position that California had the exclusive right to regulate the ownership and disposition of real estate by foreign citizens—a position which was conceded without question by a large section of the public journals and which seems to have been held by influential Members of the Washington Government. Certain it is that the Government did not take the stand that any law of California or any other State made in violation of a treaty with the United States is void, and that the Government would enforce such treaty rights notwithstanding the action of the States.

"From the standpoint of history and judicial authority, I shall attempt in this address to maintain the supremacy of the treaty-making power, although the subject has been so fully treated by able writers and in judicial opinions that it seems hardly to be open to discussion.

"The Federal Government is a Government of the people and not of the States. Its title springs from the primary authority of all governmental power and its treaty-making power is subject to no limitations except those provided by the Constitution.

"The provisions of the Constitution of the United States relative to the treaty-making power and the limitations upon the States are as follows:

"No State shall enter into any treaty, alliance, or confederation." Article I, section 10, clause 1.

"No State shall without the consent of Congress enter into any agreement or compact with any State or with a foreign power." Article I, section 10, clause 2.

"He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." Article II, section 2, clause 2.

"The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority." Article III, section 2, clause 1.

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution of laws of any State to the contrary notwithstanding." Article VI, clause 2.

"If there were no authority to the contrary, it would hardly be presumed that the people of the United States intended to confer upon the Federal Government a less power than had been exercised by other nations since the dawn of civilization. It has been the practice of governments, through the treaty-making power, to fix the status of foreign citizens, their right to engage in business, and to own, transfer, and inherit property. It is one of the indubitable prerogatives of sovereignty.

"The exercise of the treaty-making power has rarely been left to the individual States collectively constituting a nation, nor have such States usually been permitted to pass laws violating such treaties. Few individual States in confederations have retained the treaty-making power. Notable examples of these were the Greek, the Swiss, the North German, and the Netherlands confederations. The Greek republics perished. The other three governments, finding the loose confederations disastrous to national unity and prosperity, changed their forms of government, so that the treaty-making power is now vested in the nation.

"The statesmen of the latter part of the eighteenth century who participated in framing the Articles of Confederation and the Constitution of the United States were deep students of history; they were familiar with the examples and failures of certain of these confederacies; and the debates in the Continental Congress, in the Constitutional Convention, and in the conventions of the various States considering the adoption of the Constitution illustrate with remarkable clearness that it was the intention, by the adoption of the Constitution, to place the treaty-making power solely in the Federal Government, to make that power comprehensive, including all the subjects upon which it had been the custom of nations to treat, to make the treaties the supreme law of the land, and to create a Federal judiciary and an executive with powers adequate to enforce the obligations imposed upon the nation by its treaties. These men knew exactly what they were doing. They disagreed upon the wisdom of giving such power to the Federal Government, but they did not disagree as to the extent of the power they were conferring. They had seen the defects of the confederation, the want of power to enforce treaties, and the evils resulting therefrom, and they undertook, by the adoption of the Constitution, to remedy those evils.

"Let me now invite your attention for a few moments to the treaty-making power conferred upon the Federal Government by the Articles of Confederation and the disastrous results flowing from the want of authority to enforce its treaties. By the Articles of Confederation of 1778 it was provided that 'no State, without the consent of the United States in Congress assembled, shall send any embassy to or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or State.' (Art. 6.)

"'The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war * * * of sending and receiving ambassadors, entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts or duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever.' (Art. 9.)

"Under this article the Congress of the Confederation entered into treaties with foreign governments defining the status of foreign citizens within the several States, and their right to engage in business, and to own, dispose of, and inherit property, both real and personal. Such treaties were made with France, the Netherlands, Sweden, Great Britain, Morocco, and Prussia. (Treaty with France, Feb. 6, 1778, 8 U. S. Stat. L., 12; treaty with the States General of United Netherlands, Oct. 8, 1782, 8 U. S. Stat. L., 32; treaty of peace with Great Britain, Nov. 30, 1782, 8 U. S. Stat. L., 54; treaty with Sweden, Apr. 3, 1783, 8 U. S. Stat. L., 60; treaty with Prussia, September, 1785, 8 U. S. Stat. L., 84; treaty with Morocco, Jan. 7, 1787, 8 U. S. Stat. L. 100.)

"The right of the Confederated Government to enter into these treaties was apparently never questioned until after the adoption of the Constitution of the United States, when the provisions of such treaties guaranteeing the rights of foreign citizens were sustained under Article VI, clause 2, of the Constitution making treaties then existing, or which might thereafter be made, the supreme law of the land. These subjects were not matters over which the Congress ordinarily had jurisdiction, but were matters which came within the jurisdiction of the States, both under the confederation and under the Constitution; yet they were matters clearly within the treaty-making power. Can it be possible that, at the very threshold of this fabric of Federal Government, the men who had established it, who were familiar with its powers and with the power of governments generally to make treaties, made these treaties with the full knowledge that the Congress had no power to make a treaty over any matter which in ordinary domestic affairs was within the regulative power of the State? If it be true that the Federal Government may not make a treaty upon any matter which is ordinarily reserved for the governmental control of the State, a principal part of the treaty-making power, as it has been exercised for more than 125 years, is swept away, for the central Government has exercised this power, and it is absolutely necessary that it should do so in order to protect foreign citizens in their rights and to demand and receive for our citizens the same rights in foreign countries. We can not expect that American citizens will be respected and receive the protection to which they are entitled under the principles of international law and the custom of nations if we declare that our Government is so impotent that it can not give to foreign citizens within the States the same protection.

"But let us consider this subject from the position of authority. When the convention which was to frame the Constitution met in 1787, it was confronted with one of the most difficult tasks which has ever fallen to the lot of a deliberative body. The confederation, like all confederations which have come and gone, was inadequate for national purposes. It could not raise money, enforce its laws, prevent the violation of its treaties by the States, or protect interstate and foreign commerce. The history of the times and the constitutional debates show that one of the most vital defects in this confederation was the want of power to enforce treaties. No one doubted the power of the Government to make them, for the only limitations upon the treaty-making power in the Articles of Confederation were in respect to imposing duties and restraining the Congress from prohibiting by treaty the exportation or importation of any species of goods or commodities. Even those limitations were removed under the Constitution subsequently adopted. But the trouble at that time was that the Confederate Government was a government of the States and not of the people. It acted upon and through the State governments rather than directly upon the people. There were no Federal courts or executive officers to enforce the treaties. Their enforcement was left to the States, which either obeyed them or not as their selfish interests seemed at the time to dictate. There was no provision in the Articles of Confederation making the treaties superior to the laws of the States. These very property rights which I have heretofore enumerated, guaranteed to foreign citizens by the treaties, had been violated by the States. Real and personal property and debts owing them had been confiscated, and the courts had refused to enforce the treaty obligations. Especially was this true of the treaty with Great Britain of September 3, 1783, which, among other things, provided that creditors on either side should meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona fide debts theretofore contracted; that all persons who had any interest in confiscated lands, either by debts, marriage settlements, or otherwise, should meet with no lawful impediment in the prosecution of their just rights, and that there should be no further confiscations made nor any prosecutions commenced against any person by reason of the part which he may have taken in the war, nor on that account should any person suffer any loss or damage either in his person or property. The violation of these guaranties by the State and the inability of the Federal Government to enforce them, through want of the court machinery and executive power, had greatly disturbed the public mind and made a deep impression upon the statesmen and publicists of that day, both in our country and in foreign countries, and it was one of the controlling reasons for calling the Constitutional Convention.

"Time does not permit me to cite the numerous authorities establishing beyond question the opinions of public men at this time and their determination to correct this, one of the greatest defects of the Confederation. These opinions were held by substantially all of the leading men: Washington, Jefferson, Hamilton, Madison, Randolph, Pinckney, Adams, Wilson, and others.

"There is no question about the determination of the great majority of the convention to place the exclusive right of making treaties in the Federal Government and to confer on that Gov-

ernment the power to enforce their provisions through the machinery of the Federal Government exclusive of the States. Every proposition to limit this power was voted down, and there was evidenced the greatest solicitude for the adoption of adequate means for the enforcement of treaty stipulations. It was first proposed to vest the treaty-making power in the Senate, but afterwards it was vested in the President, by and with the approval of the Senate, two-thirds of its Members present voting therefor.

"But the most important thing was to adopt means whereby the acts of the States in violation of treaties could be annulled. Various plans were discussed. The sixth resolution offered by Gov. Randolph proposed to give Congress the right 'to negative all laws passed by the several States contravening, in the opinion of the National Legislature, the articles of Union.' (Elliot's Debates, vol. 1, p. 144). This, in substance, was contained in Pinckney's first draft of the Constitution. It was, however, considered by the convention cumbersome and inadequate. It would require the Congress to affirmatively act upon and set aside each legislative or constitutional provision of the States violating our treaties instead of declaring and making them invalid and creating a department of the Government to enforce the treaty stipulations. This point is made very clear by the debates in the Constitutional Convention.

"Speaking upon the Paterson resolutions, Mr. Madison expressed the opinion that they did not go far enough in the general surrender of power to the Central Government. He said (Butler's Treaty-Making Power, vol. 1, sec. 177):

"Will it prevent the violations of the law of nations and of treaties which, if not prevented, must involve us in the calamities of foreign wars? The tendency of the States to these violations has been manifested in sundry instances. The files of Congress contain complaints already from almost every nation with which treaties have been formed. Hitherto indulgence has been shown us. This can not be the permanent disposition of foreign nations. A rupture with other powers is the greatest of calamities. It ought, therefore, to be effectually provided that no part of a nation shall have it in its power to bring them on the whole. The existing Confederacy does not sufficiently provide against this evil. The proposed amendment to it does not supply the omission. It leaves the will of the States as uncontrolled as ever.

"Paterson had proposed a resolution creating a Federal judiciary with jurisdiction in all cases 'in which foreigners may be interested in the construction of any treaty or treaties' and making such treaties the supreme law of the respective States in the following language (Elliot's Debates, vol. 1, p. 177):

"*Resolved*, That all acts of the United States in Congress assembled, made by virtue and in pursuance of the powers hereby vested in them, and by the Articles of Confederation, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective States as far as those acts or treaties shall relate to the said States or their citizens; and that the judiciaries of the several States shall be bound thereby in their decisions, anything in the respective laws of the individual States to the contrary notwithstanding.

"And if any State, or any body of men in any State, shall oppose or prevent the carrying into execution such acts or treaties, the Federal Executive shall be authorized to call forth the powers of the Confederated States, or so much thereof as may be necessary, to enforce and compel an obedience to such acts or an observance of such treaties.

"This was the basis of Luther Martin's resolution (Butler's Treaty-Making Power, vol. 1, sec. 181), which was finally adopted, with some modification, as Article VI of the Constitution. A Federal judiciary was created consisting of one Supreme Court and such inferior courts as Congress might from time to time ordain and establish, and the judicial power was extended to all cases arising under the Constitution and treaties made.

"Thus it will be seen that under this constitutional provision any constitution or law of a State in violation of a treaty was made void and the State judges were bound so to declare, and a Federal judiciary was created having jurisdiction over all questions arising under such treaty, with full power and authority to enforce its decrees. The Federal convention had accomplished its purpose to correct one of the greatest weaknesses of the confederated Government. It adopted these provisions in the light of the usage of nations, the history of the times, and with full knowledge of the evil to be remedied. While men differed as to the wisdom of this central power, none differed as to its nature. It was deliberately adopted in order that we might be a Nation and fulfill our obligations to foreign powers.

"In the various State conventions called for the ratification of the Constitution the meaning of these provisions was not doubted; only their wisdom was questioned. It was claimed that too great a power was conferred upon the President and the Senate; if treaties were to be the supreme law of the land, the House of Representatives ought to have a voice in making them; they ought not to be made so as to alter the constitution or the laws of any State, and a resolution to this effect was proposed in the New York convention by Mr. Lansing. Patrick Henry, in the Virginia convention, was particularly strenuous in his opposition to the treaty-making power and the supremacy of the treaties over the laws and constitutions of the States. He stated (Butler's Treaty-Making Power, vol. 1, sec. 216):

"Treaties rest on the laws and usages of nations. To say that they are municipal is to me a doctrine totally novel. To make them paramount to the constitution and laws of the States is unprecedented. * * *

"We are told that the State rights are preserved. Suppose the State right to territory be preserved, I ask and demand, How do the rights of persons stand when they have power to make any treaty and that treaty is paramount to constitutions, laws, and everything?

"Mr. Madison, speaking in the Virginia convention, said:

"The confederation is so notoriously feeble that foreign nations are unwilling to form any treaties with us; they are apprised that our General Government can not perform any of its engagements, but that they may be violated at pleasure by any of the States. Our violation of treaties already entered into proves this truth unequivocally.

"The most remarkable discussion of the Constitution was by Hamilton, Madison, and Jay, in the Federalist, a discussion which excited the admiration of statesmen the world over and compares favorably with the writings of such great students of government as Vattel, Montesquieu, Burke, Machiavelli, and Rousseau.

"In the twenty-second number of the Federalist Hamilton discusses the defects of the confederation in its want of power to enforce treaties in the several States. He said:

"A circumstance which crowns the defects of the confederation remains yet to be mentioned—the want of a judiciary power. Laws are a dead letter without courts to expound and define their true meaning and operation. The treaties of the United States, to have any force at all, must be considered as part of the law of the land. Their true import, as far as respects individuals, must, like all other laws, be ascertained by judicial determinations. To produce uniformity in these determinations, they ought to be submitted in the last resort to one supreme tribunal. And this tribunal ought to be instituted under the same authority which forms the treaties themselves. These ingredients are both indispensable. If there is in each State a court of final jurisdiction, there may be as many different final determinations on the same point as there are courts. There are endless diversities in the opinions of men. We often see not only different courts but the judges of the same court differing from each other. To avoid the confusion which would unavoidably result from the contradictory decisions of a number of independent judicatories, all nations have found it necessary to establish one court paramount to the rest, possessing a general superintendence, and authorized to settle and declare in the last resort a uniform rule of civil justice. * * *

"The treaties of the United States, under the present Constitution, are liable to the infractions of 13 different legislatures, and as many different courts of final jurisdiction, acting under the authority of those legislatures. The faith, the reputation, the peace of the whole Union, are thus continually at the mercy of the prejudices, the passions, and the interests of every member of which it is composed. Is it possible that foreign nations can either respect or confide in such a government? Is it possible that the people of America will longer consent to trust their honor, their happiness, their safety, on so precarious a foundation?

"In discussing the subject of limitations upon the power of the Federal Government he says that such power 'ought to exist without limitation, because it is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them.'

"It was in the light of history and with the full knowledge of the condition of the treaty-making power and of the violation of treaties by the States that the Constitution was adopted by the convention of every State after the widest discussion and deliberate consideration. It was a momentous step in human government. It was to be a trial of constitutional representative democracy. While preserving the widest field consistent with liberty in the individual, it was an attempt to confer upon the central government sufficient power to stand among the nations of the earth. It attempted to remedy the evils and instabilities of pure democracies and loose confederations on the one hand, and the oppressions and tyrannies of pure monarchies on the other. While protecting the person and the property of the citizen against the abuses of government, it gave to the central government the power to make treaties with foreign nations necessary to the preservation of the Union, to the extension of its commerce, to the protection of its citizens in foreign lands, and the right reciprocally to confer upon foreign citizens those privileges consistent with the laws and usages of nations; and, lastly, it established a tribunal—the Federal judiciary—which was to preserve the constitutional guaranties of liberty, maintain the supremacy of the Union, and enforce its laws and treaties.

"We come now to the last and conclusive interpretation of the treaty-making power by the Supreme Court of the United States. We shall see how citizens of foreign countries, whose rights, guaranteed by treaties with the central government, had been violated by the States, naturally sought redress in the tribunal the Constitution created for this purpose, and how that court, fully realizing its grave responsibility, established beyond peradventure the supremacy of the treaties over the laws of the States and enforced the rights of foreign citizens, in the face of

popular prejudice. These decisions were rendered at a time when the reasons for the adoption of the constitutional provisions were fresh in the minds of lawyers and jurists. Many of the men who participated in these trials and in the decisions as judges had been members of the Constitutional Convention and of the Congress of the Confederation. They knew the reasons which had actuated the convention in adopting these provisions and the construction which ought to be placed upon them; and by an unbroken line of decisions, evincing the most profound knowledge of the principles underlying representative government, the court sustained the supremacy of the treaty-making power in relation to the subjects under discussion.

"Alexander Hamilton was the first to assert the rights of British subjects to lands in the State of New York, claiming that they were protected by the treaty, notwithstanding the confiscatory legislation of that State. He argued the case of Elizabeth Rutgers *v.* Joshua Waddington in the mayor's court of the city of New York, in 1784. The decision in that case, which sustained the treaty as against the law of the State of New York, brought forth a storm of protest and created the most bitter feeling. It was denounced in mass meetings of the people, and an extra session of the legislature condemned the action of the court. Hamilton was publicly abused, and his motives questioned. But with commendable courage and with masterly ability he defended the treaty-making power and denounced the violations of the treaties by the several States. He published a series of letters under the name of Phocion, in which he clearly set forth the injustice to foreign citizens, their rights under the treaties, and the danger to the Government from these flagrant violations by the States. These letters created a powerful impression upon the public mind and contributed in no small degree to the action in the Constitutional Convention to guard against a possibility of such abuses in the future.

"The first reported case on the subject in the Supreme Court of the United States is the case of Ware *v.* Hylton (3 Dallas, 199). It was in substance provided by a law of the Commonwealth of Virginia that a citizen of Virginia owing money to a subject of Great Britain might pay the same to the State of Virginia, and that the receipt of the governor and council should be a discharge from such debt. The law required the governor and the council to lay before the general assembly an accounting of these certificates of payment, and provided that they should see to the safe-keeping of the money subject to the future directions of the legislature. A British subject sued a citizen of Virginia upon a debt. The defendant pleaded the law of Virginia and the payment to the State. The plaintiff replied setting up the fourth article of the treaty between Great Britain and the United States. The court held that the treaty was the supreme law of the land, and repealed all provisions of the State laws and constitution to the contrary. There were opinions by Justices Chase, Paterson, Wilson, and Cushing. Justice Chase said (3 Dallas, 236–237):

"There can be no limitation on the power of the people of the United States. By their authority the State constitutions were made, and by their authority the Constitution of the United States was established; and they had the power to change or abolish the State constitutions, or to make them yield to the General Government, and to treaties made by their authority. A treaty can not be the supreme law of the land—that is, of all the United States—if any act of a State legislature can stand in its way. If the constitution of a State (which is the fundamental law of the State, and paramount to its legislature) must give way to a treaty and fall before it, can it be questioned whether the less power, an act of the State legislature, must not be prostrate? It is the declared will of the people of the United States that every treaty made by the authority of the United States shall be superior to the constitution and laws of any individual State, and their will alone is to decide. If a law of a State, contrary to a treaty, is not void, but voidable only by a repeal or nullification by a State legislature, this certain consequence follows, that the will of a small part of the United States may control or defeat the will of the whole. The people of America have been pleased to declare that all treaties made before the establishment of the National Constitution, or laws of any of the States, contrary to a treaty, shall be disregarded.

"It will be remembered that the fourth article of the treaty provided that creditors on either side 'shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted.' Speaking specially of this provision, Justice Chase said:

"* * * The only impediment to the recovery of the debt in question is the law of Virginia and the payment under it; and the treaty relates to every kind of legal impediment.

"But it is asked, did the fourth article intend to annul a law of the States and destroy rights acquired under it?

"I answer that the fourth article did intend to destroy all lawful impediments, past and future; and that the law of Virginia and the payment under it is a lawful impediment, and would bar a recovery, if not destroyed by this article of the treaty.

"* * * Our Federal Constitution establishes the power of a treaty over the constitution and laws of any of the States, and I have shown that the words of the fourth article were intended and are sufficient to nullify the law of Virginia and the payment under it.

"Justice Paterson said:

"The fourth article embraces all creditors, extends to all preexisting debts, removes all lawful impediments, repeals the legislative act of Virginia which has been pleaded in bar, and with regard to the creditor annuls everything done under it.

"Justice Wilson said:

"Even if Virginia had the power to confiscate, the treaty annuls the confiscation. The fourth article is well expressed to meet the very case; it is not confined to debts existing at the time of making the treaty; but is extended to debts heretofore contracted. It is impossible by any glossary or argument to make the words more perspicuous, more conclusive, than by a bare recital. Independent, therefore, of the Constitution of the United States, which authoritatively inculcates the obligation of contracts the treaty is sufficient to remove every impediment founded on the law of Virginia.

"Justice Cushing said:

"A State may make what rules it pleases, and those rules must necessarily have place within itself. But here is a treaty, the supreme law, which overrules all State laws upon the subject, to all intents and purposes; and that makes the difference.

"* * * To effect the object intended, there is no want of proper and strong language; there is no want of power, the treaty being sanctioned as the supreme law, by the Constitution of the United States, which nobody pretends to deny to be paramount and controlling to all State laws, and even State constitutions, wheresoever they interfere or disagree. The treaty, then, as to the point in question, is of equal force with the constitution itself; and certainly, with any law whatsoever.

"Both Justices Paterson and Wilson had been members of the Constitutional Convention. Justice Wilson had been a member of the Congress and a signer of the Declaration of Independence, and was one of the most distinguished lawyers of the United States. The Chief Justice was one of the authors of the Federalist. They were all men deeply learned as lawyers and statesmen. This opinion was delivered in the February term, 1796. It was the leading case which for the first time laid down the principles of the supremacy of the Federal treaties over State laws. It was argued by distinguished counsel, Marshall, subsequently Chief Justice, appearing for the defendants in opposition to the treaty power. It received the most careful and painstaking consideration by the court. It was followed by many decisions all along the same line, some of them particularly applying to the ownership or the devolution of real estate within the States.

"In the case of Chirac *v.* Chirac (2 Wheat., 259), decided at the February term in 1817, Chief Justice Marshall wrote the opinion. The question involved was whether the heirs of Chirac, being aliens, might inherit property in Maryland, according to the terms of the treaty with France, although in violation of the antialien law of that State. Chief Justice Marshall said (2 Wheat., 271):

"It is unnecessary to inquire into the consequences of this state of things, because we are all of opinion that the treaty between the United States and France, ratified in 1778, enabled the subjects of France to hold lands in the United States. That treaty declared that 'The subjects and inhabitants of the United States, or any one of them, shall not be reputed Aubains (that is aliens) in France.' 'They may, by testament, donation, or otherwise, dispose of their goods, movable and immovable, in favor of such persons as to them shall seem good; and their heirs, subjects of the said United States, whether residing in France or elsewhere, may succeed them ab intestat, without being obliged to obtain letters of naturalization. The subjects of the most Christian King shall enjoy, on their part, in all the dominions of the said States, an entire and perfect reciprocity relative to the stipulations contained in the present article.'

"Upon every principle of fair construction this article gave to the subjects of France a right to purchase and hold lands in the United States.

"It is unnecessary to inquire into the effect of this treaty under the confederation, because, before John Baptiste Chirac emigrated to the United States, the confederation had yielded to our present Constitution, and this treaty had become the supreme law of the land.

"In Orr *v.* Hodgson (4 Wheat., 453) it was held that the treaty with Great Britain of 1783 protected the estates of citizens of that country from forfeiture by way of escheat for the defect of alienage.

"In the case of Fairfax's Devisee *v.* Hunter's Lessee (7 Cranch, 603) Justice Story, writing the opinion, held that the heir of Lord Fairfax, although being an alien, was protected by the treaty of 1794 from any forfeiture for alienage under the laws of Virginia.

"In Hughes *v.* Edwards (9 Wheat., 489) the Supreme Court held, Justice Washington writing the opinion, that although under the laws of Kentucky aliens could not hold lands therein or maintain a bill to foreclose a mortgage thereon, yet, under the treaty of Great Britain of 1794, British subjects who then held lands in the territories of the United States were guaranteed the right to continue to hold them according to the nature and tenure of their respective estates; that this was the supreme law of the land, and superior to and rendered void the law of Kentucky to the contrary.

"There were several other decisions to the same effect by the Supreme Court during the first quarter century of the existence

of the Government. Coming down to a later period we find that those decisions have been reaffirmed and approved.

"In 1879 the Supreme Court decided the case of Hauenstein *v.* Lynham (100 U. S., 483–487), Justice Swayne delivering the opinion. Solomon Hauenstein died in the city of Richmond in 1861 or 1862, without any children, leaving real estate therein. An inquisition of escheat was brought by the escheator for that district, and when he was about to sell the property the plaintiff in error, being an alien and the only heir of Hauenstein, intervened and claimed the real estate. It was clear that under the laws of Virginia aliens were incapable of taking property by inheritance. The court held that ordinarily the law of nations recognizes the liberty of every government to give to foreigners only such rights touching immovable property within its territory as it may see fit to concede, and that in this country this authority is primarily in the State where the property is situated, but that where the Federal Government has contracted otherwise such treaty is the supreme law of the land and will be enforced by the courts. The court reviewed Ware *v.* Hylton, Chirac *v.* Chirac, Hughes *v.* Edwards, Orr *v.* Hodgson, the case of the heirs of Lord Fairfax, and other cases. In conclusion, Justice Swayne said:

"We have no doubt that this treaty is within the treaty-making power conferred by the Constitution, and it is our duty to give it full effect.

"These cases were again reviewed and reaffirmed by the Supreme Court in 1889, in the case of Geofroy *v.* Riggs (133 U. S., 263), Justice Field writing the opinion. The court in that case held that under the treaty with France a citizen of that country was entitled to take real estate by descent in the District of Columbia, notwithstanding the law of Maryland, which had been adopted by Congress as the law of the District. The court held that the treaty power of the United States under the Constitution extended to the subject of the ownership of land by foreign citizens within the States. Justice Field said (133 U. S., 266–267):

"That the treaty power of the United States extends to all proper subjects of negotiation between our Government and the Governments of other nations is clear. It is also clear that the protection which should be afforded to the citizens of one country owning property in another, and the manner in which that property may be transferred, devised, or inherited, are fitting subjects for such negotiation and of regulation by mutual stipulations between the two countries. As commercial intercourse increases between different countries the residence of citizens of one country within the territory of the other naturally follows, and the removal of their disability from alienage to hold, transfer, and inherit property in such cases tends to promote amicable relations. Such removal has been within the present century the frequent subject of treaty arrangement.

"* * * In adopting it (the law of Maryland) as it then existed, it adopted the law with its provisions suspended during the continuance of the treaty so far as they conflicted with it; in other words, the treaty, being part of the supreme law of the land, controlled the statute and common land of Maryland whenever it differed from them.

"I shall not attempt to review the decisions of the various Federal circuit courts, except to say that Judge Deady (Baker *v.* City of Portland, 5 Sawyer, 566), of the United States Circuit Court in Oregon, held that a statute of that State prohibiting the employment of Chinese labor on public works was in violation of the treaty between the United States and China; that Judges Sawyer and Hoffman (In re Tiburcio Parrott, 6 Sawyer, 349), in the United States Circuit Court in California, held that the constitutional provision of that State prohibiting corporations within the State from employing Chinese labor was in violation of the provisions of the treaty of 1868 with China; that Judge Munger (Bahuaud *v.* Bize, 105 Fed. Rep., 485), in a late decision in Nebraska held that the treaty of 1853 between the United States and France permitted resident aliens of that country to own real estate in Nebraska, and that the statute of Nebraska to the contrary was void. Nor shall I attempt to review the decisions of the State courts. Many of them have held, following the early decisions of the Supreme Court of the United States, that the provisions of the treaties guaranteeing rights to hold and inherit real estate, giving consular agents the right to administer upon the estates of deceased, and other like provisions, were binding upon the States, notwithstanding the laws thereof. California, I believe, is the only State holding to the contrary. (Tellefesen *v.* Fee, 168 Mass., 188; Louisiana Succession of Ravasse, 47 La. Ann., 1452; Stixrud *v.* Washington, 58 Wash., 339, 109 Pac., 343, 33 L. R. A. (N. S.), 632; Dufour's Succession, 10 La. Ann., 391; Amat's Succession, 18 La. Ann., 403; Crusius's Succession, 19 La. Ann., 369; Rixner's Succession, 48 La. Ann., 552, 32 L. R. A., 177, 19 So., 597; Prevost *v.* Greneaux, 19 How., 1; Wunderle *v.* Wunderle, 33 N. E., 195; Lehman *v.* Miller (Ind.), 88 N. E., 365; Dockstader *v.* Roe (Del.), 55 Atl., 341; Yeaker *v.* Yeaker, 4 Met. (Ky.), 33; Opel *v.* Shoup, 100 Iowa, 407, 37 L. R. A., 583, 69 N. W., 560.)

"There are certain expressions in some decisions of the Supreme Court of the United States, notably in opinions of Chief Justice Taney, delivered in 1840 (Holmes *v.* Jennison, 14 Pet., 540), of Justice Daniel, shortly after, in the License Cases (5 How., 504), and of Chief Justice Taney and Justice Grier in the Passenger Cases (7 How., 283), tending to support the theory that the treaty-making power does not extend to the subjects which by the Constitution are ordinarily committed to the regulative jurisdiction of the States. In all of these cases there were opinions by several of the justices of the court, and it does not appear that the language used was approved by the majority. In fact, in the Passenger Cases the language of Chief Justice Taney was used in a dissenting opinion. These decisions, however, do not purport to overrule the earlier decisions of the court to the contrary and have never been followed by the court since that time. They were rendered at a time, now happily past, when the country was divided by an overwhelming issue which darkened the political sky and clouded the judgments of men. This undoubtedly had its effect upon the decisions of that great court, but the later decisions have placed at rest whatever doubt may have existed.

"The Constitution confers upon the Federal Government, in unqualified terms, the power to make treaties and prohibits the States from making any treaty with foreign States. What reason is there for saying that the treaty-making power is confined to matters which under the Constitution Congress may legislate upon, or that such treaties may not touch upon any subject which, as between Congress and the State governments, in ordinary matters is reserved to the latter? Take, for instance, the question of commerce. There is an interstate and international commerce, the exclusive regulation of which is in Congress. There is an intrastate commerce which is exclusively within the jurisdiction of the States. And yet, even as to the regulation of interstate commerce, the Supreme Court has held that there are no limits except those imposed by the Constitution of the United States; and if the regulations of Congress made pursuant to this plenary power conflict with those of the States, the law of Congress is supreme and the State laws must give way. In regard to the matter of treaties there is no division of power. None of it is reserved to the States. Unless, therefore, the Federal Government may make a treaty regulating the activities of foreign citizens in the States, no regulation can take place, for the States may not make such a treaty and Congress may not legislate upon the subject. Congress does not obtain its right to legislate upon the subject through any other provision of the Constitution than under the treaty-making power. As well might it be said that because the States have power to regulate domestic commerce the General Government could not make a treaty giving foreign citizens the right to travel on the intrastate railways or make use of any of the other conveniences of modern civilization necessary to the comfort and sustenance of such citizens when traveling in this country. Of course, in the absence of action by the Federal Government by treaty the States may regulate the ownership of real estate within their borders by citizens of foreign countries. In the control of international and interstate commerce the regulation of the Federal Government is necessarily exclusive. The intention was to permit the free flow of such commerce unrestrained by the States. But the question of the status of foreign citizens within the United States, their right to engage in business and own property, may or may not be regulated by treaty. It may well be the policy of the Federal Government to leave this to the States. There are many other subjects likewise which it might be found inexpedient for the Government to control by treaties with foreign nations. But the power exists, and whenever, in the judgment of the President and the Senate, it becomes necessary for the Federal Government to exercise this prerogative it is undoubtedly conferred by the Constitution.

"It is a principle of practical construction—the force of which all courts and lawyers recognize in the interpretation of constitutional and statutory provisions—that where a people, without question, have exercised such a power, and especially where it is in harmony with the laws and usages of nations, such practice is of great weight in arriving at the true construction of the constitutional provision.

"The fact that our Government has from the beginning made treaties regulating matters which, as between the Federal Government and the States, are ordinarily within the jurisdiction of the latter is very significant. We have seen that during the early days of the Republic, at the time these constitutional provisions were being formed, the Government exercised the right to make such treaties. It is equally true that it has continued to do so to the present time. In 1870 a treaty was negotiated with the Republic of Salvador (Treaties and Conventions, 1537), which was in existence until 1893, by which the citizens of each

country resident in the other were guaranteed the right to purchase and hold lands and to engage in trade, manufacture, and mining.

"Thomas F. Bayard, when Secretary of State during President Cleveland's first administration, in discussing the subject said:

"That a treaty, however, can give to aliens such rights has been repeatedly affirmed by the Supreme Court of the United States (citing cases); and consequently, however much hesitation there might be as to advising a new treaty containing such provisions, it is not open to this department to deny that the treaties now in existence giving rights of this class to aliens may in its municipal relations be regarded as operative in the States.

"During the very next year he negotiated a treaty with Peru (Treaties and Conventions, 1431), the eleventh article of which guaranteed to the citizens of each country the liberty to dispose of their real estate within the jurisdiction of the other by donation, testament, or otherwise, and providing that the heirs should succeed to such real estate whether by testament or ab intestato.

"Nearly every one of our treaties contain provisions, varying in form, regulating some one or other matter which is ordinarily within the jurisdiction of the State, and which, by the Constitution, is not committed to the Congress other than by the treaty-making clause. These provisions regulate the ownership and descent of land by inheritance or testament, the latter being a subject which has always been exclusively within the jurisdiction of the States, the right of foreign consuls to administer the estates of their deceased countrymen or to intervene in such administration (Rocca *v.* Thompson, 223 U. S., 317; In re Lombardi, 138 N. Y. S., 1007; Consul *v.* Westphal (Minn.), 139 N. W., 300), the right to engage in business, to own and dispose of personal property situated within the States, to travel and enjoy the same privileges as citizens of this country, and granting to foreign citizens free and open access to the courts of justice of the various States. It is true that at the present time a large number of our treaties contain provisions that should the property consist of real estate and the heirs, on account of their character as aliens, be prevented from entering into possession of the inhereitance, they shall be allowed a certain time in which to sell and dispose of the property and withdraw the proceeds; but the very right to inherit real estate within the States and to sell and dispose of it and withdraw the proceeds, in violation of State laws, when granted by treaty, is as much an interference with domestic concerns as any other and can not in principle be distinguished from the right to own real estate.

"The student of government, thoughtfully considering the circumstances under which this treaty-making power was conferred, the practice of nations, and especially of our own country, the decisions of our courts, the expressions of statesmen and publicists, can have little difficulty in arriving at the conclusion that the power of the Federal Government to protect citizens of foreign countries in our midst is plenary. And yet we have been shamefully negligent in many instances in giving this protection. I am persuaded that the humiliating subterfuge resorted to by some of the Secretaries of State to escape this responsibility is owing to the fact that Congress has neglected to provide legislation to punish violations of treaty rights. The subject has been brought painfully to the public mind many times during the last 30 years. In 1880 Chinamen were mobbed at Denver, and at Rock Springs, Wyo., in 1885. Italians were lynched in New Orleans in 1891, and again at Rouse, Colo., in 1895. Mexicans were lynched in California in 1895, Italians at Tallulah, La., in 1899, and again at Erwin Miss., in 1901. Demands of foreign governments in many of these cases were met by the claim of the Secretary of State that the punishment for such offenses was exclusively within the power of States, over which the Federal Government had no control. Notably was this the case in the Mafia riots in Louisiana in 1899, when Secretary Blaine said:

"If it shall result that the case can be prosecuted only in the State courts of Louisiana, and the usual judicial investigation and procedure under the criminal law is not resorted to, it will then be the duty of the United States to consider whether some other form of redress may be asked.

"It is unnecessary to add that the Secretary came to the conclusion that the punishment for this offense was exclusively within the jurisdiction of Louisiana, but only because the Congress had neglected to pass legislation making such violations of our treaties criminal offenses remedial in the Federal courts. Is it any wonder that the Italian Government expressed surprise at this remarkable doctrine, and that in the note of Marquis Rudini to the Italian minister in Washington he said:

"Let the Federal Government reflect on its side if it is expedient to leave to the mercy of each State of the Union, irresponsible to foreign countries, the efficiency of treaties pledging its faith and honor to entire nations.

"As the distinguished Senator, Hon. Elihu Root, said in 1910, our Government is practically defenseless against claims for indemnity because of our failure to extend over these aliens the same protection that we extended to our own citizens, and the final result of the correspondence in each case has been the payment of indemnity, for the real reason that we have not performed our international duty. Presidents Harrison, McKinley, Roosevelt, and Taft each urged upon Congress the passage of a statute conferring on the Federal courts jurisdiction to punish such violations of Federal treaties by citizens of the various States, but to the present time Congress has not acted. Undoubtedly under decisions of the Supreme Court had such treaties, in addition to general guaranties to foreign citizens, contained explicit provisions for the punishment of offenses thereunder by the Federal courts, such treaties would have had the effect of laws and the Federal courts would have had jurisdiction, but the trouble is that these treaties have only contained provisions pledging the faith of the Government in general terms and have not contained explicit provisions for the punishment of such offenses. But the faith and honor of the Nation are pledged to their enforcement, and it is as much the duty of Congress to enact legislation to carry into effect these provisions of our treaties as it is to appropriate money and enact other legislation which Congress has always done to carry out the provisions of our international agreements. The result has been that the only recourse foreign nations have had has been to demand indemnity for such injuries, which this Government has always recognized and paid. No nation claiming the high prerogative of the treaty-making power has a right to shield itself behind the claim that one of the constituent States of the Union has violated the treaty, and that the Central Government has no authority to redress the grievance. It is a position that we resented when Brazil, in 1875, denied its accountability for the injury of an American citizen because it had been inflicted by one of the Provinces. Secretary Fish said:

"You represent that the facts as set forth in the memorial of the claimant are admitted by that Government, which, however, denies its accountability and says that the Province where the injury to Mr. Smith took place is alone answerable. Supposing, however, the case to be a proper one for the interposition of this Government, the reference of the claimant to the authorities of the Province for redress will not be acquiesced in. Those authorities can not be officially known to this Government. It is the imperial Government at Rio de Janeiro only which is accountable to this Government for any injury to the person or property of a citizen of the United States committed by the authorities of a Province. It is with that Government alone that we hold diplomatic intercourse. The same rule would be applicable to the case of a Brazilian subject who, in this country, might be wronged by the authorities of a State.

"I do not mean from anything I have said that our country should admit indiscriminately alien races to engage in industry and own property. But what I do mean is that this is a national question; that the Federal Government alone has the power to exclude them from the States; and, if admitted, to decide on what terms and conditions this should be done.

"It may, however, be said that if there are no implied limits to the treaty-making power, the President, by and with the consent of the Senate, might dismember the Union, abolish the structure of government guaranteed by the Constitution, or convey away the territory of the States.

"These arguments were advanced time and time again in the Constitutional Convention, and in the conventions of the various States, called to consider the adoption of the Constitution, and there are expressions of the courts to the effect that the treaty-making power is limited by these guaranties of the Federal Constitution. This, however, is an academic question, because it is not within human probability that there can ever come before the Federal court the question of the validity of a treaty made by this country by which it surrenders or changes its form of government, or by which any of the prerogatives of the Federal Government are taken away, or republican form of government destroyed in the States. When the time comes, if ever it shall, that such a demand is made, it will be backed by a military power to enforce it rather than by the untrammeled exercise of the treaty-making power.

"Considering the subject, however, from the academic view, certain principles are easily deduced. That the granting or purchase of territory is clearly within the treaty-making power is demonstrated by the law and usage of nations and by the practice of our own country. (Am. Ins. Co. *v.* Canter, 1 Peters, 542.) Undoubtedly it is not within the treaty-making power for the President and Senate to change the form of government, or to stipulate away any of the fundamental prerogatives of the Federal Government. These are guaranteed by provisions of the Federal Constitution coordinate with the treaty clause. A treaty abdicating the functions of the Supreme Court of the United States, if the making of such a treaty can be imagined, would undoubtedly be declared unconstitutional because the provisions

of the Constitution creating the departments of Government are of equal force and effect with that conferring the treaty-making power. These questions can only be settled by the arbitrament of war, but the other questions are those pertaining to the administration of the law in the courts of the country. They are likely to arise at any time and disturb the peace of nations unless speedily settled on well-recognized principles in the courts of the contracting Governments. It is of the highest importance that our country, one of the great English-speaking peoples, claiming an advanced position among the nations of the earth in the science of enlightened government, in the principles of international law, in education and in Christianity, should be ever scrupulous in keeping its treaty obligations. They are as sacred as the private obligations which arise between man and man, in the manifold duties and relations of life in organized society. They are of higher importance in the development of world civilization, because they lie at the very foundation of peace and good order and maintenance of those lasting principles of international law which in the science of modern governments are taking the place of war in the settlement of disputes. We can have little influence in the great movement for world peace if we are neglectful in keeping our own treaty obligations, for the stability of international law and the fulfillment of national obligations is as necessary to the peace of the world as the stability and maintenance of law and order is necessary to the peace and prosperity of society. Law is the embodiment of the highest ideals of civilization. It has governed the relations of men in the most primitive and savage state, and in the modern and highest developed society. Before history recorded and left to succeeding generations the doings of men, law was the governing power and controlling influence of communities and nations. With the growth of government, the uplifting of physical and social conditions, law has been keeping pace with the march of progress. Its invisible forces dominate and control nations, man in all his relations in society, the tremendous transactions of modern economic life, and the minutest details of our social and industrial fabric. It is all-pervading and ever-present. Without it there is no government, no social order, no home. Its administration is the highest and noblest duty of man to his fellows. Its purity and stability are necessary to the peace, happiness, and prosperity of peoples. Its corruption is the destruction of the State and of the Nation."

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. McLEAN. I ask unanimous consent for the immediate consideration of the bill (S. 2395) amending section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916. I will say to the Senator from Virginia that if there is any debate I will not ask for its consideration. The bill has been unanimously reported by the Committee on Banking and Currency.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916, be further amended by striking out the period at the end of the third paragraph thereof and adding in lieu thereof the following: ", or until January 1, 1921, without regard to the amount of its capital and surplus, to invest an amount not exceeding in the aggregate 5 per cent of its paid-in capital and surplus in the stock of one or more corporations chartered or incorporated under the laws of the United States, or of any State thereof, and regardless of its location, principally engaged in such phases of international or foreign financial operations as may be necessary to facilitate the export of goods, wares, or merchandise from the United States or any of its dependencies or insular possessions to any foreign country: *Provided, however*, That in no event shall the total investments authorized by this section by any one national bank exceed 10 per cent of its capital and surplus."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On July 11, 1919:

S. 120. An act to repeal the joint resolution entitled "Joint resolution to authorize the President in time of war to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the war, and to provide just compensation therefor," approved July 16, 1918, and for other purposes;

S. 409. An act to assent to the proposed compact or agreement between the States of New Jersey and New York for the construction, operation, repair, and maintenance of a tunnel or tunnels under the Hudson River between the cities of Jersey City and New York; and

S. 1213. An act to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918.

On July 12, 1919:

S. J. Res. 63. Joint resolution authorizing the Secretary of War to issue permits for the diversion of water from the Niagara River.

PUBLIC SERVICE COMMISSION OF PORTO RICO (S. DOC. NO. 52).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

To the Senate and House of Representatives:

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I have the honor to transmit herewith certified copies of each of six franchises granted by the Public Service Commission of Porto Rico. The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War, transmitting them to me.

WOODROW WILSON.

THE WHITE HOUSE, *July 14, 1919.*

LAWS OF PORTO RICO (S. DOC. NO. 53).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of certain acts and resolutions enacted by the Ninth Legislature of Porto Rico during its first session (Aug. 13 to Nov. 26, 1917, inclusive).

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed.

WOODROW WILSON.

THE WHITE HOUSE, *July 14, 1919.*

HOUSE BILL REFERRED.

H. R. 2847. An act providing additional aid for the American Printing House for the Blind was read twice by its title and referred to the Committee on Appropriations.

TREATY OF PEACE WITH GERMANY.

Mr. SWANSON. Mr. President, several days ago I gave notice that I would address the Senate to-day on the proposed covenant of the league of nations. I shall confine my remarks to that subject, giving my individual views and convictions regarding it. I ask that I may be permitted to conclude my prepared speech before being interrupted, after which time I shall be very glad to answer any question asked or reply to any suggestion made by a Senator.

Mr. President, this Senate, empowered under the Constitution with the authority to approve or reject the pending treaty, containing the covenant of the proposed league of nations, is confronted with the gravest responsibility that has come to it within its history. I believe I am within the bounds of safe and moderate assertion when I affirm that never before in a world crisis has a legislative body had dependent upon its conclusions such important and far-reaching consequences. It is recognized that without our concurrence and cordial cooperation the contemplated league of nations is doomed to utter failure; if we withhold our support, the whole plan would immediately disappear, defeated, destroyed. Thus upon our deliberations and decision the future situation of the world largely depends. May our wisdom and patriotism be commensurate with our weighty responsibilities.

Mr. President, before discussing in detail the provisions of the covenant of the league of nations, the most important part of the proposed treaty, let us consider the conditions existing in the world out of which this league emerges as a rainbow of hope and promise. The world had practically concluded its bloodiest, its most brutal, most widely extended, and most destructive war. Twenty-two nations, comprising nine-tenths of the world's population of one and one-half billions, had engaged in a fierce and titanic conflict. The remaining one-tenth, comprising neu-

tral nations, was indirectly involved, the minutest details of their lives and business being seriously affected. Thus practically all mankind was drawn into the vortex of this world conflagration. The expenditures of the various Governments involved, and the loss of life and property were stupendous and stagger the imagination. It is estimated that 7,400,000 men were killed and 7,175,000 were permanently disabled. I have read the statement that more than 4,000,000 soldiers were buried within 50 miles of Paris. Countless other millions, comprising noncombatants—children, women, and men—were destroyed by starvation, impoverishment, and oppression. The whole world has been enveloped in sorrow and mourning—scarcely a household without its empty chair, scarcely a soul without longings to hear again some voice forever silent. The destruction of property occasioned by the operations of armies and the occupation of hostile territory has been enormous, and it will take years of toil to repair the damage. When the war is finally ended and the armies disbanded, it is estimated that the world will be burdened with a public debt aggregating $190,000,000,000—more than one-third of its total wealth. This portends years of onerous taxation and severe privation. The war in its prosecution has consumed nearly one-half of the wealth of the world.

The losses in life and property exceed those of all wars since the beginning of recorded history. Our social order has been shaken to its very foundation. Civilization, embracing our priceless heritages of liberty, justice, varied betterments, and reforms, obtained only after centuries of effort and sacrifice, was nearly destroyed, escaping almost miraculously. Another such war and all would be lost—mankind would revert to the rule of brute force and barbarism of the Dark Ages. Having the use of the new implements for warfare on land, sea, and air, invented during the course of the recent conflict, future wars would be more ruinous and destructive than the last. The severe shock of another world war, intensified and augmented in destructive force, would shatter our civilization, crumbling it into ruins, like many magnificent civilizations of the past. Therefore the most important problem, and the greatest and gravest duty before us, is to devise means of rendering another world conflagration unnecessary, and, as far as can be done, making it impossible. Before this, all other questions fade into insignificance. This is the paramount obligation of the world's responsible statesmen. To accomplish this laudable purpose the accredited representatives of 22 States have included in the draft of the peace treaty a provision for establishing a league of nations. The objects sought by this league are to establish a peace based on justice and strict regard for the rights, political and economic, of various peoples and nationalities, thus rendering future wars unnecessary, and then to prevent, as far as human agencies at present are capable, further wholesale bloodshed. Does the plan proposed tend to this accomplishment?

The covenant of the league, as at present constituted, has been assailed from two opposite sources. One contention is that it creates a supernation, submerging into its sovereignty the sovereignty of all the signatories to the covenant; that a supreme world sovereign is created to whom the nations are subordinated. The other contention, urged by its opponents with equal insistence, is that the covenant is a worthless paper parchment, without sovereignty, without power, and hence the league will be helpless to prevent war or to adjust any chaotic political conditions which may arise. It is impossible for both of these contentions to be true. These two conceptions of the league are so diverse, so widely separated, that they can never be reconciled. These two schools of disputants will doubtless continue their interminable debate upon the correctness of their respective interpretations. However, neither contention is correct. The league will neither be a superstate or sovereign, nor a helpless, powerless, association of nations.

The instrument creating the "league of nations" is a "covenant" entered into by sovereign States for the accomplishment of certain purposes in designated ways. No nation surrenders its sovereignty by becoming a member of the league. One of the attributes of sovereignty is the ability to make "covenants" or agreements. None of the members of the league subscribe to undertakings which impair their sovereignty. Under the terms of article 1, membership in the league is confined to "any fully self-governing State." That a State reserves its full sovereignty when entering the league is further emphasized and conclusively settled by the provision of the covenant allowing any member, upon giving two years' notice of its intention, to withdraw from the league. No nation, super or otherwise, ever thus expressly provided means for its dissolution. The right to terminate the obligations assumed by the signing of the covenant is expressly reserved, the same as is frequently done in the execution of treaties. This covenant, if ratified by the Senate, would be no more nor less than a treaty legalized under our Constitution. The one impairs our sovereignty no more than the other. It may be contended that it is unwise to assume some of the obligations which are created by the covenant, but it is absurd to contend that in ratifying this covenant we impair in any way our national sovereignty. The covenant clearly avoids the creation of a superstate to dominate as supreme sovereign the affairs of the world.

Mr. President, it is impossible to exaggerate the difficulties confronting those who undertook the formation of this league. A world war with its vast disturbances had to be settled. The wrongs of centuries had to be corrected, or else a new war, of greater magnitude than the one just concluded, would soon engulf the world. Settlements had to be made confirming the political and economic rights of many people; differences, jealousies, and animosities had to be reconciled; persuasion and sternness had to be wisely blended to obtain results. Peace when made must be secured, at least for a reasonable time, in order that society might recover its stability and be rescued from present prostration. In the preparation of a plan to prevent a recurrence of the calamities through which the world had just passed it was necessary to reconcile the jealous pride of small States and the aggressive power of large ones. Concessions were necessary in order to obtain the approval of home governments. Considering all the circumstances, the results obtained by the peace conference are amazing, and its creation of the league of nations will be noted as one of the world's greatest achievements. The plan for the formation of the league is skillfully conceived, and the only one possible under existing political conditions. It contemplates that the 46 States named, constituting more than four-fifths of the world's population, wealth, and power, shall become signatories to a covenant and assume the obligations therein imposed. It anticipates ultimately the incorporation as members of the league of the remaining nations, provision for their admission being inserted.

When the nations now excluded have reformed, have organized stable governments, capable of performing international obligations, and give assurance that their membership will be helpful and not detrimental, they will be admitted. In the end it is hoped that the beneficence of the league will be extended to all nations and people. The league as constituted is so strong that dangers from the formation of another league, antagonistic to it, are almost negligible. No nation would venture into so hazardous an enterprise. The dangers to the success of this league will come from within—never from without. Nations will be desirous of membership in order to share its unmistakable benefits.

Mr. President, we will next consider the method formulated for the operation of the league. Article 2 of the covenant provides:

> The action of the league under this covenant shall be effected through the instrumentality of an assembly and of a council, with a permanent secretariat.

Article 3 provides:

> The assembly shall consist of representatives of the members of the league.
>
> At the meetings of the assembly each member of the league shall have one vote and may have not more than three representatives.

Thus, in the assembly each member of the league, whether large or small, has one vote, the equality of the members being absolutely preserved. The assembly will be composed of representatives of the members of the league, who will be selected in accordance with the laws of the respective States. In the case of the United States the representatives, being officers created by a treaty, would be appointed as provided by an act of Congress. The covenant clearly defines how legal decisions of the assembly will be reached. Article 5 contains the following:

> Except where otherwise provided in this covenant, decisions at any meeting of the assembly or of the council shall require the agreement of all the members of the league represented at the meeting.

Thus the action of the league must be unanimous, except where expressly provided otherwise in the covenant. A thorough examination of the covenant discloses that when the assembly acts alone, not jointly with the council, it is only authorized to decide without unanimous agreement upon the admission of new members, routine matters, methods of procedure, and the publication of a divided report upon matters of dispute referred to it. With the unanimous agreement of the council, a majority vote of the assembly can approve the selection of a general secretary and increase the membership of the council, and a majority of the assembly, with the unanimous approval of the representatives of those members of the league represented in the council, exclusive in each case of the representatives of the parties to the dispute, can make a report upon disputed matters referred to it, which shall have the same effect as a similar unanimous report made by the council.

Much opposition has been urged against the league because a great Nation like the United States has only one vote in the assembly and small nations like Siam and Liberia each has a full vote, and also because Great Britain has one vote and her five self-governing colonies a vote each. But what difference does the number of votes make when on all important matters the action of the assembly must be unanimous, or have the unanimous concurrence of the council, upon which the United States is permanently represented? Thus in all matters of importance before the assembly, except in cases where she is a party to a dispute, the United States will possess a veto power, and a decision can only be reached by her concurrence. Thus the question of the number of votes in the assembly held by different groups is not vital. The league could never be organized on any basis other than that of equal representation for its members. If members were accorded difference in representation, upon what basis should the apportionment be made? If upon population, China and India would dominate the league, and the United States would have only one-fifteenth of the number. If based upon wealth and military power, the situation would be equally as uncertain and unsatisfactory. It was a wise conclusion to give equal representation to all members and require unanimous agreement upon all important matters before action can be obtained. By doing this, important national interests were not left to the decision of uncertain and changing majorities. It eliminated the necessity for intriguing manipulation, with its attendant evils, to control a majority of the representatives. By this method the interest of the United States in all important matters, except those to which she herself is a disputing party, is erected safely upon the solid foundation of her own judgment and will, and is not left to repose upon the quicksands of uncertain and shifting majorities. The assembly as constituted furnishes ample means for the protection of the United States. At present this is the best and only possible manner in which the assembly could have been organized.

Mr. President, we will next examine the formation of the council, the most important agency of the league, and wherein is imposed most of the power possessed by the league. Nearly all the action of the league is obtained through the council. Article 4 of the covenant provides:

> The council shall consist of representatives of the principal allied and associated powers, together with representatives of four other members of the league. These four members of the league shall be selected by the assembly from time to time in its discretion. Until the appointment of the representatives of the four members of the league first selected by the assembly, the representatives of Belgium, Brazil, Greece, and Spain shall be members of the council.
>
> With the approval of the majority of the assembly the council may name additional members of the league, whose representatives shall always be members of the council; the council with like approval may increase the number of members of the league to be selected by the assembly for representation on the council.

Each member of the league represented in the council shall have one vote and only one representative. The selection of the representatives of the members of the league in the council would be made as provided by the laws of the respective countries. In the case of the United States the appointment could be made in pursuance of an act of Congress. The selection of the four members of the league to send representatives to the council by the assembly must be made by unanimous agreement. Hence the four members of the council must be acceptable to the United States. Thus out of nine members of the council four must be selected with the consent of the United States, which, added to our representation, would make five out of nine. The council thus constituted furnishes ample protection to the interest of the United States. The decisions of the council must be unanimous, except where otherwise expressly provided in the covenant. This requirement of unanimity is only waived in matters of procedure and the appointment of special committees of investigation. In obtaining unanimous action for the expulsion of members of the league or in making reports upon disputes referred to the council, the representatives of the members affected or interested in both cases are excluded from participating in the decision of the council. Thus upon all substantial matters that can come before the council for action, except disputes referred to it for report to which the United States is a party, it can reach no decision, take no action, without the concurrence of the representative of the United States. Thus the interest of the United States is amply safeguarded in both the assembly and council, the only agencies of action under the league. Under the covenant we can not be heavily burdened nor driven to do undesirable things by unfair and unstable majorities, but practically all our undertakings, before they become operative, must have the approval of our accredited representatives. We do not venture forth in world affairs, as claimed by some of the opponents of the covenant, to bow in submission to unfriendly majorities, but we continue the master of our own destiny and retain a controlling voice in determining the pathway we shall travel.

Mr. President, as previously stated, the primary object sought to be obtained in the formation of the league is the preservation of peace and the prevention of war. It is an earnest and humane effort to save mankind and civilization from all the ravages and horrors incident to modern warfare. It seeks to introduce into international affairs the rule of law, order, and justice, peaceful consideration and conciliation, and thus eliminate international chaos, which in the past has been so productive of violence and bloody conflicts. It seeks to crown and make perpetual the decisive victory achieved by the valor of our soldiers and sailors and the sacrifices of our people by giving mankind a lasting peace founded on justice, right, and reason. It contains the combined efforts of the world's chosen and most enlightened statesmen to settle the many perplexing questions engendered by this great World War and embodies their hope of placing civilization on a surer and broader foundation. It seeks to avoid war by removing as far as possible the causes which have occasioned conflicts in the past and by providing methods of settling international disputes without resorting to force. It utilizes the treasured experience of the past to settle present difficulties and to build for the future. Let us examine calmly and patriotically—not in heated partisanship, not with the critical scrutiny of a disputant—the provisions contained in this covenant and determine whether they will accomplish the commendable purposes sought. Let us examine and see whether this structure, as claimed by some, is reared on sand and will totter at the first storm or whether the world's greatest and noblest builders have placed it on rock foundations, which will enable it to stand and be a safe refuge to the world in hours of storm and stress.

Mr. President, the first important provision contained in the covenant to relieve the world from existing and heavy burdens and to remove one of the most fertile sources of war in the past is that relating to the reduction of armaments. It is contained in article 8, and is as follows:

> The members of the league recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

Does anyone dispute the wisdom and soundness of this declaration? Does anyone desire to expend on armies and navies greater sums than are required for our national security and to insure to us our international rights? Expenditures beyond these for naval and military purposes are wasteful extravagance, burdening business, retarding enterprise, and depriving the Government and the people of much money that could be wisely devoted to many commendable undertakings. The purpose is most laudable and is sought to be obtained in a way that could not in the least be prejudicial to the United States. To accomplish this reduction the covenant provides:

> The council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.
>
> Such plans shall be subject to reconstruction and revision at least every 10 years.
>
> After these plans shall have been adopted by the several Governments the limits of armaments therein fixed shall not be exceeded without the concurrence of the council.

What better plan for disarmament could be devised? The council is directed to prepare a general plan of disarmament for the consideration of the Governments of the several members of the league, which plans are not binding upon any State until approved by that State. In formulating these plans the council is directed to reduce armaments to the lowest point consistent with the national safety of each member of the league, considering also the geographical situation and circumstances of danger or attack confronting each member and also the retention of sufficient forces by all members of the league to insure the discharge of international obligations. If the council observes fairly and honestly these principles in the preparation of the plan of disarmament, no State would be threatened in its security, no State would be left helpless at the mercy of another, and the league would be made secure from internal and external overthrow. What guaranties are provided to make effective these desirable conditions? The report and recommendations of the council must have the concurrence of the representatives of the nine States which constitute the council. Thus the report and recommendation of the council can not be made without the approval of the representative of the United States. Without this approval the whole plan of disarmament fails and nations are left, as now, to have such armies and navies as they may themselves determine. Even when the report and recommendations of the council are unanimously made, they do not become binding

on any State until regularly approved by its Government. Under our Government the proposed plan to be effective in binding us must have the sanction of Congress, which is intrusted, under the Constitution, with the power of raising armies and equipping navies. Thus the interest of the United States in any plan of disarmament is amply safeguarded. No general plan of disarmament can be presented without her consent, no obligations imposed upon her without the approval of her Congress, where reposes our national security. It would seem to me that a plan of disarmament devised and adopted by most of the nations of the world upon these conditions, if the United States has any foresight whatever in the exercise of her power, would give her far greater security than any policy of national isolation outside the league, surrounded by nations jealous and apprehensive of her great power and liable at any moment to combine for her overthrow.

If she enters the league she obtains national security by the reduction of her armaments and those of other nations upon plans recommended with her consent and accepted by her Government. If she remains out she only obtains a precarious security by competing with other nations in the creation of vast armies and navies, with their attendant frightful and staggering expense and the certain assurance that some day all her vast national interest will be exposed to the hazards of war. One reposes national security upon the solid foundation of calm foresight and statesmanship; the other places it upon the quicksands of impending wars. We obtain greater security with far less expenditures. A large part of the immense sums now appropriated for armaments would be utilized to secure better educational advantages, to construct good roads, to build better homes, to aid religious and charitable institutions, to develop new industries, and for the general advance of comfort and civilization. There can never be any disarmament with safety, nor will there ever be any, except a general one on the plan outlined in this covenant. Would any nation be so unwise as to make separate treaties for disarmament and leave herself exposed to danger from nations with whom no such treaties have been negotiated? Does anyone prefer that instead of the disarmament provided in this league that the United States should enter into an alliance with one or two of the great powers of the world, and thus be able to reduce her armaments by consenting that the united military forces of the alliance should be used for the offensive and defensive warfare of each member? This would be committing us to the old combination of powers which has deluged the world with war, and which has usually created another combination, the two then fiercely contending for world supremacy. This would be inviting us to a world war instead of a world peace.

Mr. President, no disarmament is possible except a general one, as proposed in this covenant, fortified by the guaranties contained therein. If this league with its plan of disarmament is rejected, it means that we and all other first-class powers will continue in mad and feverish competition constructing navies and creating armies. It means burdens and taxes exceeding anything the people have ever previously borne. It means conscription and universal military service. It means the organization of nations and their industries continuously for war purposes. It means world uncertainty, unrest, and apprehension, followed ultimately by cruel, extensive, and destructive wars. The statesmen of the world owe it to mankind to save it from these wretched conditions and future calamities of world wars. Those of us who favor this league believe it will accomplish these ends. Those who antagonize it offer nothing in its place, propose nothing better. They content themselves with insisting that mankind shall continue strictly in the old pathway that it has traveled so long with bleeding, bruised feet and mutilated limb, and upon which it recently encountered so many dangers and difficulties and barely escaped disaster.

Mr. President, another advantage contained in this plan is that, when adopted by any Government, "limits of armaments therein fixed shall not be exceeded without the concurrence of the council." This concurrence must be unanimous. Then, after the amount of armament has been fixed for each member of the league and approved by each as fair and just, it can not be changed without the consent of the representative of the United States upon the council. This gives us additional security and enables us to protect ourselves from the dangers of increased armaments. The plan fixes no minimum limit of armaments, but only a maximum limit. This compels no nation to make expenditures for war purposes. With the exception of not exceeding the maximum limit, the size of armies and navies and the quantity of war equipment is left absolutely to the discretion of each State. The league only intervenes when the armaments of a nation become so large as to threaten others. I venture the prediction that instead of this restriction being a restraint upon the United States Government this Government will never attain the maximum assigned. The great difficulty encountered in the past to induce this nation to have sufficient naval and military forces for defense against apparent dangers fully justifies this conclusion. The effect of the limit will be to place needed restraint upon ambitious and aggressive powers.

In order to meet the changed conditions which continually arise, it is provided: "Such plans shall be subject to reconstruction and revision at least every 10 years." When this occurs the same requirements for unanimity in the council and adoption by each State continue. Thus the interests of the United States in this respect are fully protected. The plan seeks also to eliminate as far as possible the manufacture of munitions and implements of war by private enterprises, which create large interests favorable to war and have done much to keep the world excited and embroiled. It is hoped never again will the world be cursed with the Krupps and millionaire munition manufacturers, possessed of great political power, engaged in pernicious propaganda to incite the enmity of nations and thus produce war, to their own enrichment. To prevent secret preparation for war and suppress danger to unsuspecting nations, "The members of the league undertake to interchange full and frank information as to the scale of their armaments, their military and naval programs, and the conditions of such of their industries as are adaptable to warlike purposes." To secure a faithful compliance with these requirements of disarmament, a permanent commission is created to advise the council upon their execution and on military and naval questions generally. Thus, from whatever standpoint viewed, it seems to me the provisions contained in the covenant for disarmament are fair, reasonable, and just, will be effective, and furnish the United States ample safeguards for her security.

Mr. President, the history of the world proves that a large majority of wars have been occasioned by a desire of conquest and to obtain additional territory. Conquest and territorial aggression since society and governments were first organized have steeped mankind in war, misery, and violence. Eliminate these causes of war and the peace of the world is almost secured. This covenant undertakes to accomplish this by article 10, which is as follows:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

Those of our countrymen who antagonize the league have directed against this provision their most persistent and unrelenting opposition. They have insisted that the assumption by us of this obligation would embroil us in interminable wars with all the attendant expense and danger. They have presented dire forebodings of United States troops being sent to every part of the globe to settle petty territorial quarrels. They contend that in adopting this provision of the covenant the United States uses her great power, without any recompense whatever, to bring to other nations repose and security. They declare that the acceptance of this would impose upon the United States intolerable burdens and would bring no substantial benefits. They protest against it as a wide departure from our former foreign policy which must inevitably lead to international complications and trouble.

Let us examine this section of the covenant thoughtfully and dispassionately to determine whether these objections obtain, and whether our burdens or our benefits would exceed by our acceptance. It should be noted that this is an obligation assumed, not by the league as an entirety, but by each member individually. Each member of the league undertakes, first, to respect the territorial integrity and existing political independence of all members of the league. This is a solemn promise made by each member of the league that it will never endeavor to acquire by conquest or aggression any of the territory or possessions of any other member of the league. In common parlance, we would agree not to rob any of our associates in the league and they would agree not to rob us. If this league is consummated, as contemplated, it means immediately that four-fifths of the world, and eventually all the world, agrees to cease from wars of conquest and despoilment. If adhered to it would eliminate the causes which have produced most of the wars of the past. If observed, there is not a member of the league, great or small, that ever would have its individual, political existence threatened; and no more would the history of the world be encumbered with the frightful wreck of people and nations through lust of conquest. It means the dawn of a new day in human affairs when practically the world agrees to refrain from wars of despoilment, a day in which each receding hour will bring greater splendors of peace, progress, and prosperity.

Now, when the nations of the world, sobered by sorrow and suffering almost too stupendous to bear, with nearly one accord are willing to raise their hands and make the solemn pledge, are we sullenly and stubbornly to stand aside and become a stumblingblock in the way of this noble achievement? Are we to miss the days of our opportunity, foretold with almost divine foresight by our fathers, when we should become the exemplar of the world for justice, liberty, and peace? Why should we refrain from undertaking to respect the territorial integrity and political independence of members of the league? Do any of them have possessions that we view with covetous eyes and propose to seize and annex? I know of none. Our territory is ample for our purposes and development. We can obtain neither increased wealth nor strength by endeavoring to assimilate new, incongruous peoples. Are there lurking among us those possessed of imperialistic designs who desire to embark the United States upon a career of expansion and are unwilling to see her fettered by this honorable promise? If such exist, the pledge should be made in order to restrain them from ever forcing this Government into such venturesome and dangerous enterprise. Germany to-day, wrecked and ruined, furnishes melancholy proof of the sad fact that the road of ambition and conquest inevitably leads to disaster. From every consideration we can well afford to enter into almost a world compact not to engage in marauding wars to seize the territory of others, not to overthrow their independence and subject them to our will and rule. The formation of such a wide and far-reaching agreement constitutes one of the most important facts in the history of a gloomy and troubled world and marks the attainment of what the most hopeful idealist never thought possible. If I read aright what is in the heart and mind of my countrymen, they are determined that no adverse action of theirs shall shatter these pleasing prospects and make these bright hopes dissolve into empty dreams.

Mr. President, the second obligation assumed by each member of the league individually is to "preserve as against external aggression the territorial integrity and existing political independence of all members of the league." This is a natural corollary from the first. In the former we undertake not to rob our associates ourselves, and in this we agree not to permit others to do so, each associate assuming a like obligation to us.

It should be noted that this guaranty of territorial integrity and political independence is limited to those cases where they are threatened or attacked by external aggression, and does not apply to revolution within a nation. A nation's internal affairs are left undisturbed. A nation can re-form, modify, or change its existing government according to the wishes of the people. If necessary to accomplish these purposes, force can be used. A nation may separate and divide into several units, as her people may determine, provided no external force is applied.

The disruption of a nation by external aggression is prohibited. The obtrusive interference of one nation into the affairs of another, inciting dissensions, destroying unity, weakening its influence and power, would be arrested. No more would there be pressure upon weak nations by the selfish and strong to obtain concessions and "spheres of influence" to the serious detriment of the State coerced, and to all self-respecting nations which refuse to engage in such reprehensible practices.

Competition among powers in exploitation and despoliation would cease. No member of the league, great or small, as previously stated, would ever have its territorial integrity or political independence threatened. Each member of the league, in repose and confidence, would be permitted to work out its own individual destiny, to develop its own culture and civilization. No more would weak States, whose precarious existence has occasioned so many wars, have ever hovering over them the grave apprehension of being subdued and absorbed. Nationality, with its vital, stimulating patriotism, would be preserved, given new life and opportunity.

Mr. President, thoughtful persons recognize the importance of giving such a guaranty now, at least for a limited period, if the peace of the world is to be maintained. The autocratic governments that controlled the vast territories of Russia, Germany, Austria, and Turkey have been overthrown and as yet no real, stable governments established. A large portion of each of these countries is in a condition of political chaos, controlled by turbulent masses, and engaged in warfare among themselves. Some of the new States created out of this immense territory, without the guaranty of the league, would be overthrown, and would return to the domination of their former oppressors. We would render no service to such States in starting them on a noble career and then immediately abandoning them to again become helpless preys.

Some of the new States, possessed of high ambitions, might, unless held by the restraints of the league, venture into wars of conquest and annexation. Without the steadying influences of this guaranty, the chances are that at no distant day war would again be precipitated in eastern Europe, become again a world conflagration, bringing greater calamities than those we have just experienced.

Hon. Elihu Root, former Secretary of State, one of our most thoughtful and farseeing statesmen, in discussing the league, recognized the great immediate need and importance of this article, and recommended its acceptance with an amendment providing that any member could, after the expiration of five years from the signing of the covenant, terminate its obligations under this article by giving one year's notice in writing. After careful consideration he reached the conclusion that the best interest of the United States and of the world demanded the assumption of this obligation for the term of five years. He would have extended the obligations of this article longer than is provided by the covenant.

Article 1 has the following provision:

> Any member of the league may, after two years' notice of intention so to do, withdraw from the league, provided that all international obligations and all its obligations under this covenant shall have been fulfilled at the time of withdrawal.

The requirement of two years' notice is reasonable, as no member should be permitted suddenly to terminate so important an engagement. Neither would it be just for a member to escape its accrued international and covenant obligations by withdrawing. Members that receive the benefits of the league should also bear its burdens. Especially would the United States scorn to avail herself of the privilege of retiring from the league without fully and honorably discharging every obligation. The contention that the United States could not withdraw without the unanimous consent of the council or assembly, the only bodies that can act for the league, is wholly untenable. No power whatever is conferred upon either of these bodies to act upon this question; no authority is given anywhere to compel the retention of a member after giving the required notice of withdrawal.

Disputes arising prior to the withdrawal must be settled as provided in the covenant. This the United States, if she becomes a member, agrees to. But under no provision in this covenant would the United States undertake to let the council, assembly, or any body or person determine whether she had discharged her obligations, and to permit her to withdraw from the league. Hence she reserves this decision for herself. The decision of this question, as it affects her, would be left to the judgment and conscience of her own Government, free from any agreement to submit its decision elsewhere. If the decision occasions differences, it will be like all other disagreements between sovereignties regarding interpretation of treaties and international obligations, and would be settled as it exists under present international law.

Thus, under this covenant, the United States, by giving notice of withdrawal from the league, can limit her obligations under this article, and under the entire league, to a time not far to exceed two years. If this treaty is ratified, including the covenant of the league of nations, the United States can fully perform all her obligations to her allies, discharge her duties to the new nations she has aided in creating, and which she encouraged to revolt against their former masters with many hazards, use her powerful influence to give repose to a disturbed world, bring to a final settlement a war in which she was one of the greatest factors, and then honorably retire, having performed a great service to the world and brought inestimable benefits to herself.

For the United States to reject this treaty and league at this time, involving, as it does, such small possibility of peril for her, would mean that she would skulk in the greatest world crisis that has ever occurred. It would mean she would consent to a world settlement without her voice, without her influence.

This article can impose no burdens upon the United States from which she can not in a reasonable time honorably relieve herself, if she is so disposed. She is committed to no course of action from which, if disappointments should develop, she could not honorably retire and return to the situation she occupied before the acceptance of this covenant. In a short time after ratification the people of the United States, with a knowledge of its practical operations, can determine whether they will continue in or retire from this league. The United States having ventured forth in this war and become one of the controlling influences in world affairs, under the covenant can successfully aid in the settlement of matters so urgently pressing for solution, and then retire, if she so desires, to a

policy of national isolation, and become, if so inclined—as has been urged by some—a national hermit.

But, Mr. President, honor, prudence, self-interest, and national prestige—invaluable assets—all demand that we participate in the settlement of the present disturbance of the world produced by a war in which we were one of the most potential participants. The war is not completed until such a safe and proper settlement is made. Then, too, the world is so closely connected by steam, aircraft, cable, telegraph, and telephone, so deeply touched by racial and political influences, that a political convulsion in any part of the world necessarily affects the entire world. Who would have thought when the misguided youth Prinzip assassinated the Austrian heir and his morganatic wife in the streets of Sarajevo that in less than three years over 2,000,000 United States troops would be fighting in France in the most gigantic war of all times? Who realized that that crime would call a world to arms? Our interests and commerce are so varied, so vast, permeating every quarter of the globe, that in the future it will be almost impossible for us to escape world embroilments. Prudence and wisdom demand that, at least now, we should be present and extinguish the embers that produce flames, and see that the flames, if started, do not become world conflagrations which will envelop us.

Mr. President, the assertion that this article would tend to produce, instead of prevent, wars can not be sustained. This guaranty, made by more than four-fifths of the world, including the present dominant military powers, will, I believe, be sufficient without force to insure the peace of the world. Reckless, indeed, would be that nation which would issue a challenge of defiance to so powerful a league and embark upon the venturesome enterprise of conquest. Any nation would realize that it had more to lose than to gain by so dangerous an undertaking. What has occurred since our announcement of the Monroe doctrine furnishes convincing proof of the correctness of this contention. When a small and feeble nation in comparison to many others, we boldly proclaimed that North and South America were no longer open to colonization; that we would not permit the conquest of any portion of these continents by outside powers; that other nations would not be permitted to aid Spain in reducing her revolting colonies to subjection; and that we would not recognize the transference of Spain's rights or sovereignty to any other Government.

Many viewed the announcement of this doctrine with great alarm, saw in it many perils for this Nation, and prophesied that it would be the cause of innumerable wars. The promulgation of this doctrine gave freedom to one-half of the world, has saved for almost a century the Western Hemisphere from external aggression, and yet the United States has never invoked force for its maintenance. The very knowledge that the infringement of this doctrine would encounter in resistance the full power of this Government has been sufficient to restrain all nations. It deterred both Great Britain and Germany in Venezuela; it compelled without conflict the withdrawal of a large French army from Mexico; it has stood as a protecting shield, never yet openly assaulted, around all America. If the mere announcement of this doctrine by one nation has been sufficient to protect without war from external aggression all America, though great military powers have looked with covetous eyes upon her fair possessions, how much more would the solemn guaranties of this powerful league be effective. We may reasonably expect that the territorial integrity and political independence of the members would be preserved without the necessity arising for the use of force. The apprehension that this article will involve us in many wars is unfounded; it will be most potential in the preservation of peace for us and the world.

Mr. President, it should be noted that when in this article we guarantee the territorial integrity of all members of the league, we receive at the same time from all of them a like guaranty of our territorial possessions. The obligation is mutual. While it is true our continental possessions are safe with any reasonable preparations for defense, yet we occupy exposed positions, which require an immense Navy and a large standing Army to make us absolutely safe. The Philippine Islands are easily open to attack from either a European or an Asiatic power possessed of a strong navy, supplemented by a large and efficient army. These islands have occasioned us in the past great apprehension. These islands are so scattered and difficult of defense, so far from our base of supplies, that their protection in war is dependent upon our unchallenged control of the seas. In case of threatened danger we would be compelled to mass there large armies to prevent surprise and any lodgment by the enemy. These far-flung islands are to us a constant source of peril, yet we will never be base enough absolutely to desert them, toss them unprotected in the whirlpool of world politics, to become the prey of predatory nations. Plans for their independence have been accompanied by the suggestion that their integrity should be guaranteed by several of the strong powers. If we accord them freedom, we can now obtain for them, through this league, a complete guaranty, and thus honorably relieve ourselves of bearing alone this heavy burden. Whether retained by us or given their independence, through this league they will be preserved from all external aggression. In order to safeguard these islands, to which policy we are committed by every consideration of honor and interest, if this league is rejected, it will be necessary for us, in the present disturbed condition of the world, to construct the largest Navy afloat, and have an Army equal to that of any nation. Shall we embark on this great military expense and expansion, or accept the league and with it the honorable pledge of Great Britain and Japan, the only two nations from which the islands could ever be threatened, together with that of other members, to aid in preserving them from all external aggression?

Mr. President, considering this article, we should also reflect that the Panama Canal, its defenses, and the islands owned by us in the Caribbean Sea are outlying territories, requiring for their defense immense naval and military armaments. Under existing conditions we have always asserted that our hold upon this canal was no stronger than the American Navy. This canal, with the exception of our home territory, is the most valuable possession we have. The development of our varied industries, our national prestige, and safety demand that the canal should be under our control and ownership. This is a national policy as fixed as the eternal stars. For its maintenance there is no sacrifice we would refuse. Is our hold upon this canal lessened or strengthened by this article? This is a vital question. Great Britain is the only nation sufficiently strong upon the sea to challenge our ownership. With a navy far exceeding ours, she constitutes the only menace. In this article she pledges not only to respect herself our ownership of the canal and zone, but to preserve it from all external aggression. Thus our ownership under the league would be made as secure as it could be made by national promise and power. But this pledge of members of the league is made doubly secure by the plan of disarmament which, when prepared and presented, must have the approval of our representative upon the council and then be sanctioned by Congress. Thus under the league we obtain not only this important guaranty, but in addition a naval and military force which in comparison with that possessed by other members will, in our judgment, afford us ample security. If the defense of the canal is made dependent upon force, it is safer under the plan of the league than in a fierce race to outstrip all possible competitors in naval and military armaments. The one reposes its safety upon what our calm judgment dictates; the other hazards its safety upon our chances of success in this wild competition.

Mr. President, while the obligation under article 10 is assumed individually by the members of the league, yet its enforcement requires the cooperation of the several members. The article provides:

> In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

Thus whenever the territorial integrity or the political independence of any member is violated or threatened the council meets and advises the means of averting the breach of the covenant. This action of the council must be unanimous. The recommendation for the enforcement of the obligation imposed by this article must have the approval of the representative of the United States upon the council.

The unanimous recommendation of the council is only advisory, and must be approved by the Governments of the several members of the league. This insures that the burden under this article will be fairly and properly distributed. While each member of the league makes a solemn pledge of mutual protection, yet each reserves its right of judgment as to duty and obligation in each case as it arises, and the means by which it shall be discharged. Thus under article 10 no troops of the United States could be sent to engage in war without the advice of her representative in the council and the approval of her Congress. This insures us against undue burdens and impositions. It leaves the extent of our moral and political obligations to our own sense of honor, and we ourselves measure the just demands upon our plighted promise. It creates no supertribunal issuing to us its dictatorial commands. We select and follow our own pathway of duty and obligation. If we make

this pledge, we will never shirk compliance with its just demands. Broken faith, violated promises, refusal of just claims, have never yet darkened the honorable history of America.

Mr. President, the next important provisions contained in the covenant for the promotion of peace are those providing for the settlement of international disputes. They are far-reaching and will be most potential for the accomplishment of the purpose desired. The first of these is contained in article 12, as follows:

> The members of the league agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or to inquiry by the council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council.

Another portion of the article requires the award to be made in a reasonable time and the report of the council within six months after submission. Under this article the parties to the dispute can select as the means of adjustment either arbitration or inquiry by the council. They agree to submit the matter of dispute to one or the other, and not to resort to war until three months after the award or report. This is a most effective method of preventing war. It extends the sphere of law and justice, the best consummation of a high civilization. It gives time for passion and animosities to cool and lessen and for reason to assert her sway. War only comes after other methods of settlement have failed. It gives time for the people who bear the burdens and suffer the sacrifices of war to reflect and enables them to restrain their own Governments from venturing into unjust and perilous wars.

Article 13 of the covenant controls matters submitted to arbitration. It is as follows:

> The members of the league agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration, and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.
>
> Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration. For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.
>
> The members of the league agree that they will carry out in full good faith any award that may be rendered and that they will not resort to war against a member of the league which complies therewith. In the event of any failure to carry out such an award, the council shall propose what steps should be taken to give effect thereto.

Under this article arbitration is not compulsory. It is left absolutely to the members of the league to determine whether the matter of dispute shall be submitted to arbitration. It is left for them to decide whether it is a suitable matter for arbitration. The article specifies interpretation of treaties, disputes as to a fact, which, if established, would constitute a breach of international obligations, and the extent of reparation for such breach as generally suitable for arbitration. But this is only a declaration addressed to the judgment and will of the members of the league. The parties to the dispute are left entirely free to select the members of the court of arbitration. The members of the league agree to abide by the award and that they will not resort to war against a member of the league who complies with the award. This is an honorable promise to fulfill a pledged obligation. Without this arbitration would be a complete farce and failure. It also conveys an assurance to each member of the league that if it honestly complies with the award it will be secured from war by all members of the league.

Mr. President, this great extension of arbitration will bring inestimable benefits to the world. It will lessen wars; it will increase respect for law and tend to more friendly relations between the nations. It is a wonderful achievement when four-fifths of the world enter into an agreement of arbitration. It marks a great advance of the forces that work for the betterment of mankind.

Let us next examine and see the method of procedure under the covenant when a party refuses to comply with the award. Under article 12 the parties to the dispute have each agreed, "in no case to resort to war until three months after the award by the arbitrators." This gives time for each nation calmly to consider the consequences of war; to determine thoughtfully whether the differences are of sufficient importance to justify hostilities; to invoke diplomacy and the assistance of the council and other nations to reach a settlement. Article 13 also provides:

> In the event of any failure to carry out such an award the council shall propose what steps should be taken to give effect thereto.

Thus while the parties to the dispute are restrained for three months from precipitating war, the council can exercise its influence to obtain a settlement. The council proposes what should be done to make effective the award. The action of the council must be unanimous and thus have the approval of the representative of the United States. The action of the council being only advisory, proposals must, if force is required to effect the award, have the approval of the Governments of the several members of the league. Thus under this article the United States could never be brought to war except with the approval of its representative on the council and the sanction of Congress. It is believed that the proposals of the council will be sufficient to obtain compliance with the award. If not, then it will be left to the judgment and will of each member of the league to determine to what extent it will go in carrying out the recommendations of the council. Thus under this covenant arbitration has all its usual desirable benefits, supplemented with the further advantage that it may be enforced when the necessity for so doing appeals to the judgment of a sufficient number of the members of the league.

The next important provision to insure peace and prevent war between nations is that providing for the settlement of international disputes which have not been referred to arbitration. It is contained in article 15, as follows:

> If there should arise between members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13, the members of the league agree that they will submit the matter to the council.

This is a reiteration of the agreement contained in article 12. If a party should refuse to submit a matter of dispute likely to lead to a rupture either to arbitration or the council, as agreed upon, this article provides that either party to the dispute may refer the matter to the council. This is a method provided to compel compliance with the obligation entered into to submit disputed matters either to arbitration or the council before proceeding to war.

When the matter is referred to the council it first exerts itself to obtain a satisfactory settlement between the parties. Thus there is created an official body specially directed to exert its good offices to compose differences between the members of the league. The advice and suggestions of the council, its efforts to reach an accommodation between the parties, can not be resented as an unwarranted interference. It acts officially as a cool, strong, soothing mediator between disputants. The council specially delegated to do this work of conciliation will become a great instrument in effecting settlement of disturbing disputes. Composed of the representatives of great powers, commissioned to allay the causes of national irritation and enmities, its advice and conclusions will be received with profound respect. The existence of such a body in the past would have averted many wars which have scourged mankind. If the council fails to settle the matter, the covenant provides:

> The council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Let us next examine and see what the effect of the report will be when made. It is provided:

> If such council fails to reach a report which is unanimously agreed to by members thereof other than the representatives of one or more of the parties to the dispute, the members of the league reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

Thus if the report fails to obtain this unanimity it has no effect other than that derived from its influence upon public opinion. In this case all the members of the league, including the disputants, are left free and unfettered "to take such action as they shall consider necessary for the maintenance of right and justice." A divided report imposes no obligation whatsoever. Let us next consider the effect of a report unanimously made. The covenant provides:

> If a report by the council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

This provision has occasioned much criticism and opposition. Forebodings of dire ill have been presented as coming to us from this article and provision in case we should enter the league. It is important because this article contains the only substantial thing that the league could do without the concurrence of the representatives of the United States in the council or assembly.

Let us determine definitely the effect of this obligation and what it means. In all matters of dispute in which the United States is not a party it pledges us not to go to war with any party to the dispute which complies with the recommendation of the report of the council, and to which our representative in the council has assented. Reports upon disputed matters to which we are not a party must, whether referred to the council or the assembly, have the concurrence of our representatives.

Thus in all such cases we are amply protected. In those disputes referred to the council to which the United States is a party, and in which cases her representative and those of the other parties are precluded from acting, we pledge ourselves that if all the other members of the council concur in a report we will not go to war with any party to the dispute that complies with the recommendations of the report. It means if the report is favorable to us, and the other party complies with the recommendation, we will not make war. It means if the report is unfavorable to us, if made with the unanimity previously mentioned, we will not go to war against any party accepting the recommendations of the report. It should be noted that the obligation is not to engage in war under these circumstances. This is the full extent of our undertaking. We agree that we will not go to war concerning a disputed matter upon which four-fifths of the world has decided our contention was wrong. Reckless, indeed, would be the Government of a people which would hurl them into all the hazards of war in defiance practically of the public opinion of the world. Such a venture, if made, could only end in disaster. An agreement not to resort to war under circumstances like these is honorable, founded on prudence and wisdom. The people who bear all the sacrifices and burdens have no desire to undergo the horrors of war in the prosecution of doubtful rights and with the chances of success remote. This agreement, far from being a prejudicial fetter upon nations, is a most beneficial restraint, and will tend to save them from many reckless and disastrous wars. Under this article any disputed matter may be referred to the assembly for action, either by the council or by any party to the dispute, which can have it referred on request 14 days after the submission. The action and powers of the assembly are practically the same as those of the council, and what has been previously stated regarding disputed matters referred to the council would apply with equal force to those referred to the assembly. It should be noted in this connection that if the dispute is claimed by either party and is found by the council to be a matter which by international law is solely within the domestic jurisdiction of that party, the council is prohibited from making any recommendations as to its settlement. Domestic matters are excluded from the jurisdiction of the league, or action either by the council or assembly. Immigration, by all text writers on international law and by all Governments, has been considered and treated solely as a domestic question. In the absence of treaties, the municipal law of the country determines absolutely the admission of foreign citizens into the country. This has never been disputed. Vattel, the great authority upon international law, clearly states the law upon this subject, as follows:

> It is an accepted maxim of international law that every sovereign nation has the power as inherent in sovereignty and essential to self-preservation to forbid the entrance of foreigners within its dominions or to admit them only in such cases and upon such conditions as it may see fit to prescribe.

The Supreme Court of the United States in the Chinese exclusion case held that the power of the Government of the United States to exclude foreigners from the country whenever in its judgment the public interest required such exclusion has been asserted in repeated instances and can neither be granted away nor restrained by treaty.

Secretary of State Frelinghuysen in 1882 stated in a letter to Mr. Stillman:

> This Government can not contest the right of foreign Governments to exclude on police or other grounds American citizens from their shores.

The only way that immigration into this country could ever go to the league for consideration or action would be in a dispute regarding the interpretation of a treaty that we made with some nation upon that question. Without the existence of such a treaty the league is debarred from all jurisdiction. We have full power to revoke any treaty made involving immigration. Thus it is left for us to determine whether this question shall ever receive consideration by the league.

Mr. President, in order to make effective the undertakings made by the members of the league, all of which are promotive of peace, it is absolutely necessary that there should be in the covenant a sanction to enforce their observance. Unless this is done, honorable nations which comply with their obligations would be at a great disadvantage over faithless ones which ruthlessly ignore national promises. The covenant would hold the honorable as with bands of iron. Without a sanction it would hold the faithless only with paper bonds, to be snapped as caprice or interest might dictate. A sanction is needed to make the league a living, vital force to insure the peace of the world. To obtain observance of municipal law a sanction with varying penalties is indispensable. It is equally indispensable to secure compliance with the obligations assumed in this covenant. This sanction is contained in article 16, as follows:

> Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.
>
> It shall be the duty of the council in such case to recommend to the several Governments concerned what effective military or naval force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.
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> The members of the league agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the members of the league which are cooperating to protect the covenants of the league.
>
> Any member of the league which has violated any covenant of the league may be declared to be no longer a member of the league by a vote of the council, concurred in by the representatives of all the other members of the league represented thereon.

The substance of this article is that if a member of the league should violate its promise not to resort to war until the disputed matter has been submitted either to arbitration or the council, or three months after the award or report of the council, or violate its promise not to resort to war against any member of the league that complies with the award or recommendations of the council made with the unanimity as previously stated, then the other members of the league will direct against this covenant-breaking member an economic, financial, and commercial blockade, mutually supporting each other in such measures. It should be noted that this economic boycott is only invoked against a nation which has precipitated war contrary to its undertakings or under circumstances which would indicate that it was not justified. The members of the league refuse to be commercially neutral in a war ruthlessly begun by one of its members against another. It will refuse to have any trade relations whatsoever with the offending member. Many believe that this is the most effective means that can be invoked to prevent war. With no access to the markets of the world, either to sell or purchase, a nation engaged in such war would soon collapse. The knowledge that at the commencement of war it would be subjected to these destroying hardships would restrain the most resolute of nations from making the venture. A Government seeking to plunge into war with this threat hanging over it would find combined against it its own national agricultural, manufacturing, and commercial enterprises. Many modern wars have been occasioned by a desire for trade and commercial expansion. This character of war will cease when it is known that its inception will mark the destruction of trade and commerce. This provision is most potential for the prevention of war. It is far more preferable to endure the losses and inconveniences incident to a cessation of trade than to suffer all the horrors and the immense destruction of life and property incident to war.

The members of the league further agree "to afford passage through their territory to the forces of any of the members of the league which are cooperating to protect the covenants of the league." As all the covenants of the league are mutual among its members, this means that we permit troops to pass through our territory to enforce agreements to which we ourselves are parties. Certainly no serious objection can be urged to an undertaking of this character.

Mr. President, these constitute the direct obligations assumed by the members of the league under this article. The method of applying force against the covenant-breaking member is as follows:

> It shall be the duty of the council in such case to recommend to the several Governments concerned what effective military or naval force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

The procedure under this provision is for the council to recommend to the several Governments against which the covenant-breaking member is waging war the military and naval forces to be furnished severally by the members of the league. The recommendations of the council must be unanimous. As nothing else is provided for either the council or assembly to do in this case, and as these are the only instrumentalities through which the league can take action, it seems that the several Governments affected are left to obtain the armaments recommended as best they can. They can only present the recommendations to the several Governments of the members of the league for consideration and action. The recommendations are only effective when supported by the Governments. The members of the league assume no obligation that these recommendations, when presented, will be ratified by their Governments.

Thus before the military or naval forces of the United States could be used under this article the representative of the United States upon the council must recommend their use and Congress sanction it. This insures that our Army and Navy will not engage in war where we have no vital interest and where we have assumed no legal or moral obligations. These recommendations, when made, will address themselves to the judgment of Congress and be disposed of as the honor and interest of the United States may demand. While the conduct of the covenant-breaking member is declared to be an act of war against all the members, it should be remembered that an act of war by one party is not necessarily war, and that war can only come to this country by a specific declaration of the same by Congress. Germany committed acts of war against us prior to its declaration by Congress. But war between the United States and Germany only began when so declared by Congress.

Mr. President, so desirous is the league of preventing wars and obtaining the settlement of international disputes without resorting to force that it also undertakes to settle disputes between a member of the league and a nation that is not a member of the league, or between nations neither of whom is a member of the league. This is accomplished by inviting such nations to become members of the league for the purpose of ending such dispute "upon such conditions as the council may deem just." The conditions imposed by the council must have the unanimous concurrence of all the members, hence in such cases must be assented to by our representatives upon the council. If such invitation is accepted, the procedure and the provisions for settling disputes between members referred to the council apply "with such modification as may be deemed necessary by the council." The council must be unanimous in making these modifications, and hence require the approval of our representative upon the council. I have already fully discussed the provisions of the covenant regarding disputes between members of the league which apply substantially in these cases, hence will not burden the Senate with a repetition. It is also provided:

> Upon such invitation being given the council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

The recommendation of the council must be unanimous, and hence be approved by our representative upon the council. This action of the council is a recommendation made to the members of the league for the consideration and action of their several Governments. It also provides:

> If a State so invited shall refuse to accept the obligations of membership in the league for the purposes of such dispute, and shall resort to war against a member of the league, the provisions of article 16 shall be applicable as against the State taking such action.

It should be noted that this provision applies only to those cases where an outside State resorts to war under such circumstances against a member of the league. I have already fully discussed the effects of the economic blockade and the provisions of article 16, and will not weary the Senate by a further presentation of them as applied to these cases, which are similar. It is further provided:

> If both parties to the dispute when so invited refuse to accept the obligations of membership in the league for the purposes of such dispute the council may take such measures and make such recommendations as will prevent hostilities and result in the settlement of the dispute.

This action of the council must be unanimous, and hence have the approval of our representative upon the council. The council is herein officially authorized to use its good offices to prevent hostilities and effect a settlement of the dispute. It can make recommendations either to the parties to the dispute or to the several members of the league. The council is only authorized to act diplomatically in advising under this provision, as it has no armies, no navies, under its control; hence it can not wage war. It can not declare war. It may recommend war to the members of the league. They assume no obligations except when an outside nation wantonly attacks a member of the league, as previously stated.

It is believed that the extension of the privileges of the league to outside nations, to be used for the settlement of their disputes, will work for peace and harmony and be the cause of the prevention of many wars. It is believed that States for various reasons not members of the league will willingly avail themselves of its instrumentalities for settling questions which threaten war. It would be fortunate to have an organized body like the league's council, composed of the representatives of the freest, fairest, and most enlightened and peaceful governments, to which nations can with safety and confidence carry for settlement their disturbing differences. Many a war which has desolated the world would have been averted if such a body had existed. Its creation as provided in this covenant marks a great advance along the pathways of peace and justice.

Mr. President, another most commendable feature of this covenant is the portion relating to the colonies and territories which, as a consequence of the war, have ceased to be under the sovereignty of the States which formerly governed them. These, instead of being parceled out among the victorious Allies as spoils of conquest, engendering dissensions and enmities promotive of future wars, and in disregard of the rights and interests of the people concerned, are held as a sacred trust for civilization and are to be administered for the betterment of the inhabitants of the several countries. This is accomplished by selecting as mandatories suitable nations willing to undertake the responsibility of tutelage for these people and performing their tasks under the supervision and direction of the league. It is worded:

> The degree of authority, control, or administration to be exercised by the mandatories shall, if not previously agreed upon by the members of the league, be explicitly defined in each case by the council.

The action of the council must be unanimous. Thus the scope and conditions of each mandatory must have either our approval in the ratification of this treaty or the approval of our representative in the council. The requirement of our assent will stand as a barrier against colonial exploitation and oppression. It will enable us to have accorded to the people of these countries the splendid colonial policies which we conferred upon Hawaii, the Philippines, and Porto Rico, and which have produced wonderful development and progress. It will enable America, where independence sprang from resistance to colonial wrongs, to restrain in the future the hand of colonial oppression. America, the first and stanchest friend of colonial rights, will have her sphere of usefulness enlarged.

Article 23 contains what liberal statesmen and philanthropists have for years sought to secure—the cooperation of nations upon certain vital matters which the individual action of nations is inadequate successfully to handle. The members of the league undertake, in accordance with the provisions of international conventions agreed upon, to endeavor to secure and maintain fair and humane conditions of labor for men, women, and children; to undertake to secure just treatment of the native inhabitants on territories under their control; to intrust the league with general supervision over the execution of agreements with regard to traffic in women and children and the traffic in opium and other dangerous drugs; to provide and maintain freedom of communication and of transit, and for equitable treatment of the commerce of all members of the league; to take steps in matters of international concern for the prevention and control of disease.

These are existing world evils which can only be remedied by international cooperation and action. It is sought to extend a betterment to labor the world over. It endeavors to remove the danger which ever threatens well-paid labor in liberal and civilized countries like America when brought in competition with the low-priced labor of nations less free and advanced. It removes the danger not by reducing the high-priced labor, as advocated by the exploiting selfish, to the level of the low paid but by increasing the low paid to higher, thus benefiting all. If this is accomplished, the products of American labor will find fairer and broader opportunities in all the markets of the world. American labor and American industries will no longer be overshadowed by the peril of cheap pauper labor. Labor conditions, labor remuneration, will have a world improvement. Thus we understand why the toiling masses in all countries so earnestly favor this league, not only because it will save them from the burdens and sacrifices of war but because around it cluster their fondest hopes of general and permanent betterment. To many an oppressed native population this league will bring relief and reform, break many fetters, and illumine their skies with the light of a new and better day.

The infamous traffickers in women and children will be punished in every clime and their nefarious business rendered most difficult. Many a helpless woman will be saved from the purveyor of vice and shame. The use of opium and dangerous drugs will be far better controlled and regulated, and the curse of this evil to mankind lessened. National cooperation will be promptly and efficiently invoked for the prevention and spread of disease, and the world will not be scourged in the future, as it has been in the past, by the spread of dangerous and contagious maladies. Nations will not have to stand helpless, as in the past, and see brought to their shores the contagion of death. The science and energies of the world will be mobilized to destroy and circumscribe the disease at its inception.

By according equitable treatment to the commerce of all members of the league, securing for them freedom of communication and transit, wars occasioned by commercial discrimi-

nation and by prohibition of access to the seas will be prevented. This will remove one of the most fertile sources of the wars of the past. Besides, this will greatly facilitate and increase foreign trade and commerce. This will be most advantageous to the United States. We have firmly established our primacy in foreign commerce. For many years our exports have far exceeded those of any other nation. Our future prosperity is inseparably interwoven with our foreign trade. This provision will be most potential in its future expansion and development.

Thus, Mr. President, this article of the covenant carries international cooperation further than ever before attempted upon subjects where most needed and where international concert is almost indispensable and will ultimately result in manifold benefits to the members of the league.

Mr. President, another admirable feature of this league, which gives it a great superiority over all others previously formed, is the power of amendment. This makes it a vital, growing organism. It enables the league to meet changing conditions, permitting it to eliminate what experience has proven wrong and add to it what is desirable. The requirement of regular meetings of the council and assembly will keep it from languishing and dying from indifference and inactivity. Yet the method of effecting amendment affords ample protection to the United States. Article 26 provides:

> Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

Thus no amendment can be made without the approval of the Government of the United States, which will consist of the concurrence of the President and two-thirds of the Senate. We possess an absolute veto power in this respect. Thus we need have no apprehension that amendments will be adopted prejudicial to our best interest. American safety in this respect is firmly secured.

Another great benefit that will accrue from this league is the abolition of secret treaties. All treaties, conventions, and international agreements must be registered and published. Until registered with the secretariat of the league they are not binding. Frank, open, honest diplomacy is substituted for the secret and intriguing diplomacy of the past. No longer will nations live under perpetual apprehension that secret conspiracies have been or are being formed to their detriment; no longer can compacts for spoliation be secretly made and delayed in execution for a favorable time to consummate the robbery; no longer can governments destitute of character enter, as has frequently been done in the past, into secret conflicting treaties with other governments and later betray the one from which the greatest advantage can be derived. Such despicable practices will be relegated to the past, and a new, open, honorable diplomacy inaugurated. The people will be thoroughly acquainted with the obligations to which their government commits them, and hence ultimately all diplomacy will be under the control of the people of the several governments. This will work for peace and for fair, honorable engagements. The secret brood of war conspirators will be destroyed.

Mr. President, the opponents of the league contend that if the United States should enter the league as proposed in the first draft she would by so doing abandon the Monroe doctrine, which has ever been her traditional foreign policy. They have insisted that this doctrine was so important that it should be reserved by explicit declaration. The new draft does this. Article 21 provides:

> Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

Yet, Mr. President, with the clear, explicit reservation some of the opponents of the league are not satisfied. They do not like it being termed "a regional understanding for the securing of peace." It seems to me, Mr. President, the terms of description are apt and amply sufficient. It expressly declares that the Monroe doctrine, and hence all it implies, is not affected by this covenant. It remains unimpaired. Every right possessed by us under this doctrine prior to agreeing to this covenant would continue without diminution. If by possibility any conflict should arise between the provisions of the covenant and the Monroe doctrine, as far as we are concerned the provisions of the covenant are annulled and the Monroe doctrine survives for us as a living foreign policy. We accept the covenant with this clear reservation. This great doctrine may properly be described as a "regional understanding." It embraces in its scope North and South America; it encircles with its protecting arms this vast region. When announced by President Monroe in his message of December 2, 1823, it was clearly and explicitly limited to these two continents. It has never sought extension from the Western Hemisphere. The Monroe doctrine is more than a mere declaration of policy by President Monroe or Congress; it is a clear understanding by us and the world what we will do with all our power under certain circumstances. It was a clear understanding to the German Emperor when at our protest he abandoned his enterprise to seize Venezuela; it was a clear understanding to Great Britain when at the request of President Cleveland she consented to refer the question of disputed territory with Venezuela to arbitration; it became a clear understanding to the French Emperor when at our demand he withdrew his troops from Mexico and left Maximilian to his fate. The Monroe doctrine is also a clear understanding to the effect that as a matter of self-defense it will permit no foreign nations to acquire new territory and establish themselves in regions near us, if by so doing they would become a source of danger to us. Thus it prohibits the acquisition, directly or indirectly, by the consent or without the consent of Mexico, of lands in Mexico by a non-American power to be used or capable of being used as a base to threaten or attack us. Self-defense is an inalienable right superior to municipal law or covenants and one of the main foundations upon which the Monroe doctrine reposes. That this contention is true is clearly illustrated in the case of Yucatan. The governmental authorities of that country offered to transfer the "dominion and sovereignty" of that country to the United States and at the same time made a similar offer to Great Britain and Spain. With reference to the offer, President Polk, in a special message to Congress on April 29, 1848, said:

> Whilst it is not my purpose to recommend the adoption of any measure with a view to the acquisition of the "dominion and sovereignty" over Yucatan, yet according to our established policy we could not consent to a transfer of this "dominion and sovereignty" to either Great Britain or Spain, or any other European power. In the language of President Monroe, in his message of December, 1823, "we would consider any attempt on their part to extend their system to any portion of this hemisphere dangerous to our peace and safety."

The Monroe doctrine can properly be described as an understanding for securing peace. No war has yet been waged for its maintenance. The understanding of it and all it implies has been a great source of peace and has prevented innumerable wars, for behind it to restrain unscrupulous aggressors has stood the vast power and resources of the United States.

President Roosevelt in his annual message of 1901, in speaking of the Monroe doctrine, said, "It is simply a step and a long step toward assuring the universal peace of the world by securing the possibility of permanent peace on this hemisphere." He distinctly limits the doctrine to the Western Hemisphere and commends it for securing the maintenance of peace.

Thus, Mr. President, not only is the Monroe doctrine fully preserved and protected by name in this covenant, but it is given new force and new dignity. We obtain by this covenant practically a world's recognition of our right to insist upon its maintenance as our fully understood foreign policy.

Mr. President, I have endeavored fully and dispassionately to present my conclusions regarding the proposed league of nations. I have enumerated the great advantages which would accrue to the United States and humanity by the adoption of this sane and reasonable plan to secure the peace of the world and prevent the recurrence of another horrible World War. I have shown that the benefits clearly obtained by this Nation will exceed any possible burden that might be imposed. I have proven that the plan of organization and operation will afford to this country every needed means of protection. I have pointed out how causes which have produced wars in the past are removed by this covenant. I have indicated how this covenant will inevitably tend to create comity among the various nations, give better international understandings and fairer international dealings. I have the firm conviction that it is one of the world's greatest documents, marking the beginning of a new and better order in world affairs, separating a past dark with war and strife from the sunlight of a future bright with peace and international cooperation and conciliation. Out of the Revolutionary War, won by American valor and sacrifice, emerged the Declaration of Independence and the Constitution of the United States, the two most precious parchments yet conceived by human mind. The Constitution when proposed was assailed with virulence and encountered prophecies of dreadful calamities to follow its adoption exceeding anything that has been directed against the covenant. Yet the prophets of evil were routed by the calm judgment and patriotism of the people, the Constitution survived the terrific assault, and is to-day universally acclaimed the best scheme of government ever devised and furnished the prototype for all federated governments.

Out of this terrible and prolonged war, whose terrific gloom is only illuminated by a heroism and sacrifice unparalleled, emerges this league of nations to make complete and continuous the great victory won. This league will also survive the vicious attack of these new prophets of evil, and will, as it generously distributes with each receding year its increasing blessings to mankind, be known as the world's great charter of peace.

Mr. President, the pathway of our duty is plain. We should neither hesitate nor halt, but firmly align ourselves with the forces that are working for world betterment. With strong arms and brave hearts let us faithfully discharge our responsibilities as the world's greatest power and fearlessly face a future which beckons us to a greater glory and usefulness. Let us not be frightened by our own prodigious shadow as it projects itself in world affairs. Let us not be deterred from our manifest duty and destiny by a craven fear of becoming great in giving service and direction to a world in the direst hour of its need and distress.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator yield to the Senator from Minnesota?

Mr. SWANSON. I yield.

Mr. KELLOGG. I understood that the Senator did not wish to be interrupted during his speech, but would answer any questions after his speech was concluded.

Mr. SWANSON. I shall be very glad to do so.

Mr. KELLOGG. The questions I desire to ask are not put in any hostile mood, but to obtain the opinion of the Senator on certain provisions of the league.

Mr. SWANSON. I will be very glad to answer the Senator's questions.

Mr. KELLOGG. Article 21 provides:

> Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

Is it the opinion of the Senator that the Monroe doctrine is thereby excepted from the jurisdiction of the league of nations?

Mr. SWANSON. I am satisfied that it is, and I so stated in my speech.

Mr. KELLOGG. If that is the proper construction, can there be any objection to the Senate making that statement in its ratification?

Mr. SWANSON. I do not know but that it might delay the ratification of the treaty. I am not prepared to say now until I come to a further consideration of that feature, but I am satisfied that where by name, clearly and distinctly, the Monroe doctrine is reserved and the world understands it and what it implies it is reserved to the United States by name.

Mr. KELLOGG. I am not now disputing what the Senator says, but I am simply asking if that is the proper construction to be placed upon the clause, can there be any harm in the Senate so stating in its ratification?

Mr. SWANSON. I can not say what effect it would have upon the treaty and what delay it might occasion in the final operation of the treaty. Hence I would not desire to commit myself.

Mr. KELLOGG. I should like to ask one more question. Was the Monroe doctrine established or has it been established by any international engagement, or is it an American declaration of principle which we enforce for our protection?

Mr. SWANSON. I think it is a public declaration of principle and that there is a clear understanding in the world as to what we will do under certain circumstances. The world seems to understand it pretty well.

Mr. KELLOGG. Will the Senator please refer me to any treaty or international engagement recognizing the Monroe doctrine?

Mr. SWANSON. I know of none. "International engagements" I presume would refer to other treaties.

Mr. KELLOGG. That is, the Senator understands that this is an international understanding because we have announced it and the other nations understand we have announced it. Is that it?

Mr. HITCHCOCK. It is not an international understanding, but a regional understanding.

Mr. KELLOGG. I am not disputing what the Senator says. I am simply asking for the basis of his statement. The article reads:

> Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or—

Then we might say, "such as"—

> regional understandings like the Monroe doctrine.

That may not be the proper reading. If this is the correct construction, the Monroe doctrine is defined as an international engagement. But we will pass that. I should like to ask one or two more questions.

Referring to article 15, the clause which the Senator discussed a few moments ago:

> If the dispute between the parties is claimed by one of them, and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

Did I understand the Senator to say that the right of the United States to exclude foreigners could not be contracted away by treaty?

Mr. SWANSON. The Supreme Court of the United States in the Chinese exclusion cases held that to make a covenant to that effect, such action by Congress would be a repeal of it.

Mr. KELLOGG. That Congress may violate the treaty?

Mr. SWANSON. Congress can annul the treaty.

Mr. KELLOGG. Congress may violate a treaty by denouncing it, but has not the Supreme Court time and time again held that a treaty fixing the right of foreign citizens to come to this country, to own or inherit real estate and to engage in business is valid?

Mr. SWANSON. The Supreme Court held in the case of the Chinese treaty excluding them that where that is done the treaty is annulled and that you can not make covenants binding upon Congress with reference to the question of immigration.

Mr. KELLOGG. Is not the holding of the Supreme Court this, that a treaty is the supreme law of the land until set aside by act of Congress?

Mr. SWANSON. That is true.

Mr. KELLOGG. Therefore a treaty would be valid which provided that foreign subjects may enter this country, until Congress set aside the treaty or enact a law prohibiting such immigration.

Mr. SWANSON. The treaty must be constitutional, like any act of Congress.

Mr. KELLOGG. That is true, but such a treaty has been held to be constitutional.

Mr. SWANSON. In the Chinese exclusion cases, if I remember correctly, though I have not read them lately, it was decided that the treaty-making power could not make a covenant which would preclude Congress from controlling immigration.

Mr. KELLOGG. Certainly not; Congress could violate the treaty by excluding them.

Mr. SWANSON. If the treaty should contain such a provision, and Congress did not want them to come in, it could annul the treaty in that way.

Mr. KELLOGG. It could violate it.

Mr. SWANSON. It could annul it, and would be allowed to annul it.

Mr. KELLOGG. Suppose, in a dispute between the United States and Japan, for illustration, the United States being one party and Japan the other, the council should hold that it was not a domestic question pure and simple, but that it was an international question in which Japan was interested, what would be the remedy of the United States?

Mr. SWANSON. Under a treaty pending?

Mr. KELLOGG. Under no pending treaty.

Mr. SWANSON. It would be absolutely a domestic question and so held by every nation.

Mr. KELLOGG. Suppose the council should hold to the contrary? The United States is precluded from voting on that, because it is a party.

Mr. SWANSON. The council could not perpetrate an absolute fraud. The Senator knows full well it is an absolute fraud in a court to make a fraudulent decision, and clearly such a decision is not binding. If the contention of the whole world has been up to this time that immigration—though immigration is not named here—is solely a domestic question, then I have no doubt the council would promptly so find.

Mr. KELLOGG. I have no doubt that immigration, the tariff laws, coastwise traffic, duties, and all such things, are purely domestic questions, with which no foreign country should be concerned or have the right to interfere. I have no doubt of that myself.

Mr. SWANSON. They are, and they are absolutely excluded under this covenant.

Mr. KELLOGG. Then, should they not be absolutely excluded from the consideration of the league?

Mr. SWANSON. I think they are.

Mr. KELLOGG. Well, if that is the opinion of the Senator, then there is no objection to the Senate so stating, is there?

Mr. SWANSON. If the reservations come up, I will express my opinion on them when I see them.

Mr. KELLOGG. There is only one other question, I think, which I desire to ask the Senator from Virginia. Referring to article 10, as I understood the Senator from Montana [Mr. WALSH] the other day, it was his opinion that the recommendations of the council as to the means of carrying out article 10 are to be merely advisory and are not to be binding upon this country. Is that the opinion of the Senator from Virginia?

Mr. SWANSON. They are advisory and binding on the conscience and fair dealing and honesty of this country.

Mr. KELLOGG. Well, but are they legally binding under this treaty?

Mr. SWANSON. I do not think they are legally binding. There is no necessity of advising anyone to act legally. The law does not advise a judge to act. The judge enters a decree and it becomes operative.

Mr. KELLOGG. Does the Senator from Virginia believe that there is a binding agreement under article 10 of the treaty under which this Government is bound to come to the assistance of any nation whose territorial integrity and political independence are threatened?

Mr. SWANSON. I said in my address, if the Senator had heard it——

Mr. KELLOGG. I beg the Senator's pardon.

Mr. SWANSON. I stated that we entered into an agreement to preserve as against external aggression the territorial integrity and existing political independence of all members of the league. That is an agreement. Then, as each case arises, it is left to the judgment and conscience and fair dealing of the political power or authority of each country to determine to what extent it is bound by its agreement under section 10 and the means by which it will enforce it.

Mr. KELLOGG. That answers my question. I beg the Senator's pardon; I did not hear that part of his address.

Mr. PITTMAN. Mr. President, I should like to ask the Senator from Minnesota [Mr. KELLOGG] a question in order to get his view. Is the Senator of the opinion that the treaty contract could be changed by reservation as well as by amendment?

Mr. KELLOGG. Mr. President, a contract can not be changed by reservation or amendment without the consent of the other party to the contract, of course.

Mr. PITTMAN. If in the resolution of ratification of the treaty reservations were adopted by the Senate in conflict with any of the terms of the treaty, it would, then, not be a ratification of the present treaty, would it?

Mr. KELLOGG. I think the treaty would be ratified subject to that condition which could be accepted by each of the other countries, if it saw fit to do so.

Mr. PITTMAN. But it would be a change in the contract if it were inconsistent with it?

Mr. KELLOGG. That would depend upon the nature of the reservation.

Mr. PITTMAN. I say if the reservation were inconsistent with any term of the treaty it would be a change, to that extent, of the treaty, would it not?

Mr. KELLOGG. If the reservation changes any of the substantial terms of the treaty, it is a change as to this country, and, of course, can be objected to by any other country; and must either be directly or tacitly accepted by that country.

Mr. PITTMAN. In other words, if there is any change in any terms of the treaty by reservation just as well as by amendment, then it is such a change of the contract that was entered into by the negotiators that it must go back to the other negotiators for their consent?

Mr. KELLOGG. Well, I will say to the Senator I think I have answered his question, but I will take occasion in the Senate, at the proper time, to explain my views upon reservations and amendments and the law applicable to both at greater length, if the Senator from Nevada will excuse me at the present time.

Mr. PITTMAN. Then, one other question and I will excuse the Senator. I take it now that the Senator from Minnesota agrees with the Senator from Nevada that any change in any terms of the contract brought about by the Senate through amendment or reservation is such a change in the whole contract as negotiated between the signatory powers as that it must again be consented to by the other powers who signed it?

Mr. KELLOGG. The Senator from Nevada may make that as his statement, but not as mine.

Mr. PITTMAN. I so understood the Senator; and the RECORD will stand for what he said. However, I do not think that the Senator in any speech that he will ever make—for he is too good a lawyer to do so—will take the position that the Senate may make any material change in a treaty that has been negotiated by our President with other countries and have it binding on any of the parties until it is consented to in its changed form.

Mr. KELLOGG. If we amended the treaty, to be sure, an amendment which changed the terms of the treaty must be accepted, like any amendment to a contract, by the other parties; but that does not extend to every reservation.

Mr. PITTMAN. But if the reservation——

Mr. KELLOGG. If the Senator desires to make his own statement, he can do so.

Mr. PITTMAN. I beg pardon.

Mr. KELLOGG. I will explain my position on that subject fully.

Mr. PITTMAN. And I take it that the Senator makes no distinction between a reservation and an amendment if the effect is the same. The Senator being silent, I naturally conclude that is true.

Mr. KELLOGG. Merely calling it a reservation or an amendment would not make any difference; the substance, of course, decides the question.

Mr. PITTMAN. Then, another question. If the language of the contract is changed, it is not for the party changing it alone to determine the effect of the change, but the other party to the contract also has the right always to determine its effect. I do not think that can be denied. If we change the language of this contract by amendment or by reservation, we may not think that that change of language constitutes any change of substance, and yet, no matter what the change is, the other contracting parties must agree, as we agree, that it does not change the substance of the contract or that such change is agreeable. Otherwise it is not a contract. In other words, there is not a reservation or an amendment that we can place on this treaty that does not necessitate a renegotiation and reconsideration by every contracting power.

Mr. KELLOGG. Mr. President, the Senator from Nevada can not put any such statement as that in my mouth or attribute it to me, for I entirely disagree with him.

Mr. FALL. Mr. President, does the Senator from Nevada mean to say if this treaty were drawn in any shape in which we choose to draw it, changed in every line, changed in substance in every substantial provision, and was then deposited by the President of the United States in Paris and acted upon by either one of the other nations, although they might not affirmatively agree to the changes, that it would not be binding upon that nation?

Mr. PITTMAN. Mr. President, of course, the Senator from New Mexico is a lawyer, and he understands, as we all do, that a contract may be agreed to by consent or by a writing.

Mr. FALL. That is all I wanted to know.

Mr. PITTMAN. But that is not all that the country wants to know. The country would not stand for one moment to have its rights trifled with in any such manner; it would not stand for one moment to have a contract written by the Senate and deposited anywhere under the belief that a certain delay in protesting against it or that lapse of time would give consent to it, when at any time a nation which was obligated to the United States under the treaty might arise and say, "We have never consented to such a change; we have never done anything that would bind us to such a change." In other words, this matter is of too vital importance to this country, as well as to the remainder of the world, for us to have anything but a definite understanding. We are not going to be bound by this treaty until we know that the other nations to whom we assume obligations are also bound by it. There is only one way to know it—not by silence, not by lapse of time, not by mailing it to somebody, not by depositing it somewhere, but by open, notorious assent to any changes that we make; and that is the only thing the President of the United States would accept, and it is the only thing that the Senate of the United States has a right to accept.

Mr. FALL. Mr. President, of course I can not speak for the President of the United States as to what he would accept. I have known people to be compelled to accept things that they declared they would not accept; in other words, still insisting that they would never consent, I have known them to consent.

Mr. PITTMAN. I think, possibly, that will be true of some of the Senators.

Mr. FALL. I think so; I think that they would not even insist that they would not consent, but some of them would consent at once.

Mr. President, neither can I speak for the great people of the United States. I have read upon several occasions declarations that the President of the United States voiced the sentiments of the American people. In view of the fact that just prior to the last election the President said that unless this body had a Democratic majority, and unless the other body of this Congress had a Democratic majority, the world would look upon the results of the election as a repudiation of his foreign policy and it would hamper him in the conduct of his foreign policy, I am

inclined to think that, at least upon some occasions, the President does not voice the sentiment of the people, and that if he were to accept the result of the issue which he himself made he would understand that the majority of the people of the United States do not approve of his foreign policy.

While I am willing, however, to listen to the President when he assumes to speak the voice of the American people, in view of the fact that he was elected two years ago as their spokesman, I must admit that I have not yet arrived at the conclusion that I must accept as the vox populi the voice of the Senators upon the other side of the Chamber upon this proposition. So, when the Senator from Nevada undertakes to tell me that the people of the United States will not stand for this or will not stand for that or will not stand for the other, I say he is no more qualified, except by ability, to speak for the American people upon this subject than I myself am; and judging from the population of the State which the Senator so ably represents I should think that possibly the Senator from New York might be better qualified to voice the sentiment of the people of the United States.

However, this is mere persiflage. I resent somewhat the suggestion of the Senator that anyone here, upon this side at any rate—and I think I speak in that respect for the Republican side—or any of the other Senators here upon the other side are intending in any way whatsoever to trifle with this very grave question which is now confronting us. I presume that each one of us will act under his own sense of responsibility to the people; that he will not simply follow blindly any leader of a party or any man in power or out of power, but that he will listen to suggestions from any responsible and reliable source; that he will give mature deliberation to the question as it is presented to him, and will then, without reference to politics or to who is the President of the United States or to who negotiated this treaty, vote his convictions as he understands them. If those convictions as he expresses them are thereafter confirmed by the great voice of the American people, it will certainly be much to his gratification; I am sure it would be to myself; but to assume, as the Senator from Nevada assumes, following the footsteps of his able party leader, to voice the sentiment of the American people upon this floor upon this question is presumption; and I can not agree with it.

Mr. PITTMAN. Mr. President, we were dealing with a legal question. I do not know that I said anything about the Senators on the other side; I think I never used that expression at all in my remarks. I was discussing the matter with one of the ablest lawyers of this body; I was not making a political speech. I stated that the country would not stand for that kind of trifling, because I assumed that I was talking to a lawyer. I am satisfied that there is no lawyer in this body who, while conscientiously representing a client, would change on behalf of his own client the terms of a contract that had already been signed without asking the other side whether they agreed to the change. I am satisfied that there is not a lawyer in this body who would make such a change in behalf of his own client, and trust to long consent to it being taken as binding the other side to the change. That is not the way in which conscientious, able, sincere lawyers act. That is the reason why I know the Senator from New Mexico would not act in that way, and that is why I know that if he did trifle with the question now before the Senate in the manner suggested the country would call him down, just as his client would call him down if, as an attorney in a civil cause, he should so act.

As to the other remarks of the Senator with regard to the petty matters he discussed, I do not arise here for the purpose of discussing those matters; I did not rise here for the purpose of injecting politics into the discussion, and I will not take the time to answer the Senator's insinuations. I arose for the very purpose, as questions were being asked by the Senator from Minnesota, to bring to a conclusion the purpose of his inquiry. That has been accomplished to my satisfaction. That is all I arose for. There is no question now that the other contracting parties have a right to construe the language as to whether it changes the treaty contract. There is no one here who would contend to the contrary, and I do not care whether the language of a contract be changed by reservation or by an amendment, then the other parties to the contract have a right to consider the new language and determine for themselves whether or not the contract has been changed; and if they say it has been changed, then they must agree to the change by formal act, or impliedly agree to the changed treaty by acting under it or accepting the benefits thereof. What would constitute acting under the treaty? What acts would constitute an acceptance of the benefits of the treaty? In the meantime what protection would our country have under the treaty? It must be evident that any change in the verbiage of the treaty, whether by amendment or reservation, must be submitted to the other parties to the treaty for consideration, approval, rejection, or amendment. This would mean dangerous delay.

Mr. HITCHCOCK. Mr. President, something said by the Senator from New Mexico [Mr. FALL] seemed to cast doubt upon the contention which I have repeatedly made upon the floor of the Senate, that public opinion on the league of nations is crystallizing overwhelmingly in its favor. I do not know whether the Senator was here or not, but I have repeatedly put into the RECORD conclusive evidence that every national organization that has spoken on this subject has spoken in favor of the league. I have also placed in the RECORD many other documents showing the state of public opinion, and I am not going to take the time of the Senate to add to that list now; but I ask to place in the RECORD the resolution adopted at Milwaukee on July 4 by the National Education Association of the United States, which represents 600,000 teachers, as showing the sentiment of the teachers of the United States on that subject.

The PRESIDING OFFICER. Without objection, the resolution referred to will be printed in the RECORD.

The resolution referred to is as follows:

NATIONAL EDUCATION ASSOCIATION OF THE UNITED STATES,
July 11, 1919.

Hon. GILBERT M. HITCHCOCK,
United States Senate, Washington, D. C.

DEAR SENATOR HITCHCOCK: The National Education Association of the United States, at its Milwaukee meeting, July 4, adopted by practically a unanimous vote by the following resolution concerning the league of nations:

"One of the revelations brought to us out of the great World War is the knowledge that no country can preserve its ideals in isolation from the rest of the world. If our ideals of democracy and humanity are to continue, even for ourselves as an American people, it is essential that we establish with the other nations of the world such relations as will tend to preserve the peace of the world, demand from all nations the education of their people in the fundamental ideals and principles of good government, and secure for all peoples the opportunity to pursue their industries and commerce without interruption by unnecessary wars or interference because of the selfish ambitions of any one people or ruler.

"Therefore this association heartily approves the action of President Wilson in his support of the league of nations as a nonpartisan measure, designed to secure the peace and happiness of all people and the propagation and preservation of true democracy."

Very sincerely, yours,

GEORGE D. STRAYER,
President.
J. W. CRABTREE,
Secretary.

Mr. HITCHCOCK. I ask also to have printed in the RECORD the resolution adopted by the Brotherhood of Railroad Trainmen at their second triennial convention, held in Columbus from May 14 to June 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution referred to is as follows:

Resolution adopted by the Brotherhood of Railroad Trainmen at second triennial convention held in Columbus May 14 to June 4.

Whereas the greatest armed conflict of history is over. It has been the bloodiest and most cruel and destructive war since the world began. Already we look back upon it as a horrible nightmare; and

Whereas people never voluntarily enter war, which is the result of misgovernment and comes as a lack of cooperation among nations; and

Whereas President Wilson and the learned representatives of our allies and the neutral countries have formulated a plan which we hope will bring about closer cooperation among nations with a view of avoiding future wars—the league of nations. Millions of mothers in the broken homes of the world are dreaming of it to-day. The spirits of 10,000,000 dead men, who but yesterday fell victims to the folly and criminal shortsightedness of man, are whispering their supplications into the ears of a just God that national butchery shall cease and war shall be no more: Therefore be it

Resolved, That we, the Grand Lodge of the Brotherhood of Railroad Trainmen, in session assembled, go on record as in favor of the league of nations: And be it further

Resolved, That a copy of these resolutions be sent to each Member of Congress and a copy to President Wilson, in care of his Secretary at Washington, D. C.

Mr. HITCHCOCK. These, Mr. President, are simply additions to the long list of proofs which I have inserted in the RECORD. I ask some Senator on the other side, if he has any proof of public opinion contrary to the league of nations, to place it in the RECORD.

Mr. FALL. Mr. President, I will undertake to call attention to something of that character in a day or two. If I had the time now in five minutes I could do so, but I have not the time.

Mr. HITCHCOCK. I trust the Senator will do so, and when he brings it in I will place my list against his, and I will guarantee that mine will be twenty times more significant.

Mr. FALL. And when I make my speech I will place in the RECORD the speech which the Senator made in this Chamber on the 7th day of March, 1912, with reference to just how this propaganda was being brought about, when he stated it was paid for by the Carnegie Peace Foundation.

Mr. HITCHCOCK. And when the Senator rises to do that, I shall state from my place upon the floor of the Senate that the Carnegie Peace Foundation has not spent one dollar in promoting propaganda for the league of nations, but is withholding its support from it.

Mr. FALL. Mr. President, I, of course, will not enter into any controversy with the Senator until I bring my proofs here, when I will show him from the official statements of the League to Enforce Peace that the Carnegie Peace Foundation is behind it.

Mr. HITCHCOCK. And I shall show the Senator that the League to Enforce Peace has not received a dollar from the Carnegie Peace Foundation for this purpose.

Mr. FALL. Mr. President, may I add one word more, with the permission of the Senator?

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. FALL. I have no doubt the Senator from Nebraska is very familiar with the source from which the funds are derived in this case; I have none except of a negative character.

NEAR EAST RELIEF ASSOCIATION.

Mr. CUMMINS. Mr. President, I ask unanimous consent for the present consideration of the bill to which I referred this morning for the incorporation of the Near East Relief Association. I may say that since this morning I have conferred with the Senator from Utah [Mr. KING], and he finds no objection to the bill. I mention again the fact that it has been reported unanimously by the Committee on the Judiciary.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. KING. I have no objection to the immediate consideration of the bill; but I did not mean to convey the idea to the Senator from Iowa that I had no objection to the bill. I shall vote against the bill, but I have no objection to its consideration.

Mr. CUMMINS. I think I may have stated it a little broadly. The statement of the Senator from Utah to me was that he had no objection to the present consideration of the bill. I, therefore, ask unanimous consent that the bill be considered at this time.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee.

Mr. CUMMINS. I yield.

Mr. McKELLAR. Will the Senator state what is the purpose of the bill?

Mr. CUMMINS. There is now in existence, and has been for some time, a large association for the relief of the people of the Turkish Empire, mainly the Armenians. The Senator from Tennessee and all other Senators are familiar with the terrific suffering and the great want that exist in that part of the world. It has been found that the relief can be administered much more economically and much more effectively if the association through which it is administered is organized under a law of the United States, instead of being purely a voluntary association. The bill does not involve the contribution of one penny from the Treasury of the United States. It is entirely an altruistic effort to relieve some of the suffering that exists in that part of the world.

Mr. McKELLAR. It merely incorporates it under the Federal law.

Mr. CUMMINS. It merely incorporates it as a corporation of the District of Columbia. It is purely benevolent, and is very much needed.

Mr. McKELLAR. Does the Government incur any obligation of any kind?

Mr. CUMMINS. None whatever.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa for the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 180) to incorporate Near East Relief, which was read, as follows:

Be it enacted, etc., That the following persons, namely, James L. Barton, Cleveland H. Dodge, Henry Morgenthau, Edwin M. Bulkley, Alexander J. Hemphill, Charles R. Crane, William Howard Taft, Charles Evans Hughes, Elihu Root, Abram I. Elkus, Charles W. Eliot, Harry Pratt Judson, Charles E. Beury, Arthur J. Brown, John B. Calvert, William I. Chamberlain, Robert J. Cuddihy, Cleveland E. Dodge, William T. Ellis, James Cardinal Gibbons, David H. Greer, Harold A. Hatch, William I. Haven, Myron T. Herrick, Hamilton Holt, Frank W. Jackson, Arthur Curtiss James, Frederick Lynch, Vance C. McCormick, Charles S. Macfarland, Henry B. F. Macfarland, William B. Millar, John R. Mott, Frank Mason North, George A. Plimpton, Philip Rhinelander, William Jay Schieffelin, George T. Scott, Albert Shaw, William Sloane, Edward Lincoln Smith, Robert Eliot Speer, James M. Speers, Oscar S. Straus, Charles V. Vickrey, Harry A. Wheeler, Stanley White, Ray Lyman Wilbur, Talcott Williams, and Stephen S. Wise, their associates and successors duly chosen, are hereby incorporated and declared to be a body corporate of the District of Columbia by the name of Near East Relief and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions herein contained.

SEC. 2. That the object for which said corporation is incorporated shall be to provide relief and to assist in the repatriation, rehabilitation, and reestablishment of suffering and dependent people of the Near East and adjacent areas; to provide for the care of orphans and widows and to promote the social, economic, and industrial welfare of those who have been rendered destitute, or dependent directly or indirectly, by the vicissitudes of war, the cruelties of men, or other causes beyond their control.

SEC. 3. That the direction and management of the affairs of the corporation, and the control of its property and funds, shall be vested in a board of trustees, to be composed of the following individuals: James L. Barton, Cleveland H. Dodge, Henry Morgenthau, Edwin M. Bulkley, Alexander J. Hemphill, Charles R. Crane, William Howard Taft, Charles Evans Hughes, Elihu Root, Abram I. Elkus, Charles W. Eliot, Harry Pratt Judson, Charles E. Beury, Arthur J. Brown, John B. Calvert, William I. Chamberlain, Robert J. Cuddihy, Cleveland E. Dodge, William T. Ellis, James Cardinal Gibbons, David H. Greer, Harold A. Hatch, William I. Haven, Myron T. Herrick, Hamilton Holt, Frank W. Jackson, Arthur Curtiss James, Frederick Lynch, Vance C. McCormick, Charles S. Macfarland, Henry B. F. Macfarland, William B. Millar, John R. Mott, Frank Mason North, George A. Plimpton, Philip Rhinelander, William Jay Schieffelin, George T. Scott, Albert Shaw, William Sloane, Edward Lincoln Smith, Robert Eliot Speer, James M. Speers, Oscar S. Straus, Charles V. Vickrey, Harry A. Wheeler, Stanley White, Ray Lyman Wilbur, Talcott Williams, and Stephen S. Wise, who shall constitute the first board of trustees and constitute the members of the corporation. Vacancies occurring by death, resignation, or otherwise shall be filled by the remaining trustees in such manner as the by-laws shall prescribe, and the persons so elected shall thereupon become trustees and also members of the corporation.

SEC. 4. That the principal office of the corporation shall be located in the District of Columbia, but offices may be maintained and meetings of the corporation or of the trustees and committees may be held in other places, such as the by-laws may from time to time fix.

SEC. 5. That the said trustees shall be entitled to take, hold, and administer any securities, funds, or property which may be transferred to them for the purposes and objects hereinbefore enumerated by the existing and unincorporated American Committee for Armenian and Syrian Relief, and such other funds or property as may at any time be given, devised, or bequeathed to them or to such corporation, for the purposes of the trust; with full power from time to time to adopt a common seal, to appoint officers, whether members of the board of trustees or otherwise, and such employees as may be deemed necessary for carrying on the business of the corporation, and at such salaries or with such remuneration as they may think proper; and full power to adopt by-laws and such rules or regulations as may be necessary to secure the safe and convenient transaction of the business of the corporation.

SEC. 6. That as soon as may be possible after the passage of this act a meeting of the trustees hereinbefore named shall be called by Cleveland H. Dodge, Henry Morgenthau, Abram I. Elkus, Edwin M. Bulkley, Alexander J. Hemphill, William B. Millar, George T. Scott, James L. Barton, and Charles V. Vickrey, or any six of them, at the Borough of Manhattan, in the city of New York, by notice served in person or by mail, addressed to each trustee at his place of residence; and the said trustees named herein, or a majority thereof, being assembled, shall organize and proceed to adopt by-laws, to elect officers, and generally to organize the said corporation.

SEC. 7. That a meeting of the incorporators, their associates, or successors shall be held once in every year after the year of incorporation at such time and place as shall be prescribed in the by-laws, when the annual reports of the officers and executve boards shall be presented and members of the executive board elected for the ensuing year. Special meetings of the corporation may be called upon such notice as may be prescribed.

SEC. 8. That a copy of the constitution and by-laws and of all amendments thereto shall be filed with the Congress when adopted, and on or before the 1st day of April each year said corporation shall make and transmit to the Congress a report of its proceedings for the year ending December 31 preceding, including in such report the names and residences of its officers, and a full and itemized account of all receipts and expenditures.

SEC. 9. That the corporation shall have no power to issue certificates of stock or declare or pay any dividends, or otherwise distribute to its members any of its property, or the proceeds therefrom, or from its operations. On dissolution of the corporation otherwise than by act of Congress the property shall escheat to the United States.

SEC. 10. That all members and officers of the corporation and of its governing body may reside in or be citizens of any place within the United States.

SEC. 11. That the franchise herein granted shall terminate at the expiration of 25 years from the date of the approval of the act; and that Congress reserves the right to repeal, alter, or amend this act at any time.

Mr. KING. Mr. President, I think all Americans heartily approve of the objects sought by those who are asking for a charter from Congress and are grateful for the splendid work which has been accomplished by the philanthropic and patriotic Americans named in this bill in the Near East, and particularly in Armenia. The work which the men named in this bill and other philanthropic Americans have performed for the relief of the Armenians deserves the highest praise, and I should be reluctant to offer any impediment to the work which they contemplate performing in the future. The situation in Armenia is so deplorable as to excite the sympathies of all people. The people of the United States have been called upon to make generous contributions to alleviate the suffering there existing, and some legal organization or instrumentality is needed in order to properly carry out the wishes of those who are so generously contributing for the salvation of the starving and suffering Armenians.

While applauding the altruism and benevolence of those engaged in this great work, I have objected to this bill, as I have objected to other bills that have come before the Judiciary Committee that created special corporations by special and private Federal acts. There is a general incorporation act, applicable to the District of Columbia, and there is no real or valid reason why resort is not had to this law. The persons named in the pending bill could incorporate under the laws of the District of Columbia, or, if they preferred, they could organize under the laws of some State. I am not aware of any power upon the part of the Federal Government to grant special charters for private undertakings or to enact general incorporation laws for private business pursuits. The Federal Government has a right, of course, to grant charters to organizations that are employed for governmental purposes; but I do not think it is the function, nor is it within the power of the Federal Government, to grant charters to private individuals to engage in private work, although that work may be charitable and benevolent. The Federal Government is one of limited and enumerated powers; it is not within the power of the Federal Government to give charters to individuals to carry on local banks or manufacturing institutions or to engage in charitable and philanthropic activities.

It may not create corporations to operate within the States and to engage in purely private business. The States under their clear and undoubted authority may authorize the formation of corporations or partnerships; they may prescribe the conditions under which artificial persons, such as corporations, may exist and operate. But the authority of the National Government is entirely different.

It should not and it can not validly create corporations to engage in the usual business of the ordinary corporation.

It may organize a company to perform some governmental function. It may provide for the organization of fiscal agencies when their functions are related to the Government and are deemed to be for its welfare and as essential to the discharge of its proper functions.

Mr. CUMMINS. Mr. President, will the Senator yield for a moment in order that I may reply to a suggestion he has just made?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. KING. I yield.

Mr. CUMMINS. I think I understand the standpoint of the Senator from Utah, and, generally speaking, I think it is right and sound, but the Congress of the United States has the same power specially to incorporate a corporation of the District of Columbia that it has to enact the general law under which individuals can incorporate themselves as a corporation of the District of Columbia. I think the Senator from Utah will admit the correctness of that proposition.

Mr. KING. I was coming to that Mr. President. I think I assent, if I understand the Senator from Iowa, to the last suggestion made by him. I was about to say that an effort has been made to differentiate this bill from other bills that have come before the Judiciary Committee, where the plan was to secure a Federal charter without reference to the District of Columbia and the authority of Congress to legislate for it, but solely upon the theory that Congress could rightfully create by special act a corporation to operate anywhere within or without the United States and for purely private purposes. It is possible that there is a distinction between an act which grants a Federal charter to A, B, and C for the purpose of engaging in a certain business, and one which authorizes them as a corporation within the District of Columbia to do the same thing; yet I confess to a feeling of dizziness and uncertainty when I undertake to follow the distinction. This is a measure creating a private corporation by special act of Congress, and the corporation can not be said to be under general law, or referable to general law, because the act creating it says that it is under or within the District of Columbia. The individuals asking for this charter undoubtedly believe that a Federal charter will give them a prestige and a standing that they would not enjoy if they incorporated under some State law or incorporated under the Federal incorporation act of the District of Columbia. They are not willing to avail themselves of the many avenues open to them to incorporate. They decline to secure a charter from a State or to avail themselves of the general act of the District. Apparently they are not so much concerned in having a legal entity, a corporation enjoying the privileges and advantages which would follow—as in securing some advantage from the claim that they are a governmental organization or an arm of the Government—a creation of Congress called into existence by special act.

A number of the gentlemen who are interested in this matter—and they are all admirable men—have spoken to me and have sought to abate any opposition that I might have to the bill by referring to the worthy objects lying back of it, and I have freely conceded that the objects were of the highest purpose. As I understand the position of these splendid men, it was that a Federal charter would give standing and prestige to this organization; that the organization would come in contact more or less with representatives of other nations; and if it were known that it was chartered by the Congress of the United States it would enjoy to a greater or less degree the prestige of a Federal agency and would be regarded as an arm or instrumentality of the Government, and its officers and representatives would receive greater consideration. I can well understand how peoples abroad would not look into the legal questions involved, and would assume that a corporation acting under a charter from the United States was an agency of the Federal Government and its officers were representatives of that Government.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. KING. I yield.

Mr. CUMMINS. I do not think that it could be or ever would be contended that it is an agency of the Federal Government; but if the representation of the fact, which is that it is a corporation chartered by act of Congress, will make the association more effective, if it can administer more relief, if it can help humanity a little more because it is incorporated by Congress than otherwise, why should it not be done, for surely there never was greater need than now for help of this character in the particular region to which this bill applies?

Mr. KING. Mr. President, I assent to the latter part of the statement of my distinguished friend. My sympathies have been aroused, as have the sympathies of all Americans for many years, over the condition of the people of Armenia. The atrocities inflicted upon them, the brutalities to which they have been subjected by Turkey, have excited the indignation of the civilized world; and I think I may say without successful challenge that the American people with practical unanimity feel that Turkey's power ought to be broken and destroyed forever; that she should be driven from Europe and no longer exercise authority over Armenia and her oppressed and bleeding people. And all concur that there should be succor and relief carried to these suffering people. But that is not the only question that we are considering now.

I do not quite agree with the implication of my distinguished friend that we ought to permit an organization, no matter how benevolent or worthy the object of the organization is, to trade upon the fact that it is a Federal corporation. By that I mean that when laws exist under which corporations may be formed we ought not to incorporate them by special act of Congress in order that they may possess superior standing and prestige, no matter how beneficent the objects may be for which they were organized.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. KING. I yield.

Mr. CUMMINS. If the power which I hope we are about to exercise were beyond our authority under the Constitution, I would agree with the Senator from Utah entirely; but it is not beyond our authority under the Constitution. We have a right to exercise this power. Now, if in incorporating this association we signify to the world that Congress realizes the hopeless and helpless condition of the people over there, and that it really is a message of sympathy as well as a message of relief to these oppressed and tortured men and women and children, why should we not exercise some part of our constitutional power to make the world understand that we want to give these people all the relief which the charity and benevolence of the people of the United States are willing to give them?

I can not understand why we should not and could not and can not do that with the greatest propriety.

Mr. KING. Mr. President, the Congress of the United States, in the exercise of its undoubted power, some years ago passed a law for the organization of private corporations within the District of Columbia. I concede that the Congress of the United States has the power to legislate over and with respect to the District of Columbia. It may treat it as territory belonging to and under the jurisdiction of the Federal Government, in the same manner that it legislates with respect to Territories. Indeed, it may go further and it has greater power perhaps than it has over Territories. Congress, out of the public domain,

carves Territories, such as Arizona and New Mexico and others that have now become States, and it legislates with respect to those Territories; but when they become States its power with respect to them is entirely different.

It was the duty of Congress to enact a general incorporation statute to meet the private business and industrial needs of those residing within the District of Columbia and those who desired to do business within the District. This duty was performed and a satisfactory and liberal statute was passed. But this law is ignored by the proponents of this bill; they seek a special act, and ask Congress to exercise powers which a State might possess.

Congress, if it did not question its power to create by special act private corporations, did determine that it was unwise to pursue this course, and thereupon enacted a general incorporation act, under which individuals might form corporations in the District of Columbia. Those seeking the charter provided by this bill may resort to that act, as other individuals have resorted to it, and they may form a corporation having powers adequate and competent for the discharge of the duties and the achievement of the objects which are sought to be accomplished in the bill now under consideration.

Even if it be conceded that this proposed legislation is within the power of the Federal Government, that it is not a Federal charter in the sense that we would grant a charter aside from and outside of the District of Columbia, but that it is tied to the District of Columbia and is legislation in its behalf, and is referable to its power to pass a general incorporation act for the District of Columbia, still I insist that it is unwise to grant a special charter. States long ago discovered the impropriety of granting special charters, either for municipal corporations or for private corporations. General statutes providing for corporations contain provisions for dealing with them. Their powers are defined, the manner of supervision is set forth, and the manner of their dissolution is prescribed. But corporations specially created must be dealt with differently. Here Congress would have to exercise visitorial powers, and quite likely only by special act of Congress could the charter be revoked.

I think that special charters are unwise and improper, and certainly can not be defended where no necessity therefor exists. However, I do not think this charter can be referred to the general power which the Government has to legislate with respect to incorporations in the District of Columbia. This will be called a special charter granted by Congress, not in connection with the District of Columbia, but as an independent grant of power; and in that view I deny the power of the Federal Government to grant the charter or to enact this legislation.

I shall content myself with voting against the bill, but shall offer no obstacle to its immediate consideration.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Delaware?

Mr. KING. I yield.

Mr. WOLCOTT. I understand the Senator to take the position that the Congress has no power to pass such an act of incorporation. Is it not true that the Congress has, in numerous instances before, passed acts of incorporation somewhat similar in principle to this, so that if this passes it will in no sense constitute a precedent in the first instance? There are numerous precedents existing of acts passed exactly in the class with this act. Is not that true?

Mr. KING. Mr. President, I think the Senator is right. The Senator will recall that he served upon a committee that investigated the National German-American Alliance. That organization existed in virtue of a special charter granted by the Congress of the United States; and I think I do not misconceive the view of the Senator when I say that it was his opinion—I know it was mine—that that was a very unwise thing for Congress to have done, even though the Senator may not believe that Congress did not have the power to do that thing.

Mr. WOLCOTT. Yes; I quite concede that it was an unwise thing for the Congress to have done, because of the event, the outcome. My recollection is that the American Red Cross was incorporated by special act of Congress. In that I may be mistaken. It occurs to me that the purposes of the corporation which this bill seeks to create are quite similar to the purposes of the American Red Cross.

Mr. KING. If the Senator will permit me, I grant that there are a number of precedents for legislation of this character; and yet I feel sure that the Senator, belonging to the same school of political thought to which I belong, will agree with me that the Federal Government was not organized for the purpose of granting private charters to individuals to carry on enterprises and industries and charitable and philanthropic undertakings; that the power of the Federal Government to grant charters is limited to those charters that relate to governmental purposes and in the execution of governmental functions. Congress would have the power to grant a charter for a Federal bank, for some fiscal agency of the Government; that would be serving a national and a Federal purpose; but it would not have the power to grant a charter for the purpose of carrying on some manufacturing plant or industry or for the purpose of engaging in some charitable or philanthropic work.

Mr. McKELLAR. Mr. President, when I rose awhile ago and asked the Senator from Iowa [Mr. CUMMINS] to explain the provisions of the bill, I did not do so for the purpose of objecting to this particular bill. I did not know that this bill had been reported, and did not know what it was, and wanted to know before it was actually voted on. I have since seen the bill and examined it, and wish to say that I am heartily in favor of it. I believe it is a very proper measure.

I want to read from the second section of the bill, showing its object:

> That the object for which said corporation is incorporated shall be to provide relief and to assist in the repatriation, rehabilitation, and reestablishment of suffering and dependent people of the Near East and adjacent areas; to provide for the care of orphans and widows and to promote the social, economic, and industrial welfare of those who have been rendered destitute, or dependent directly or indirectly, by the vicissitudes of war, the cruelties of men, or other causes beyond their control.

It appears from this bill that a number of philanthropic men have organized themselves together for the purpose of aiding principally the Armenians, the people in the Near East. To my mind, it is a most desirable thing. It is a most desirable way of managing this particular kind of a charity, because that is what it is. It is much better than if the Government undertook it. It is better in every way; and it seems to me that the Government should give it its approval and its backing, as far as that may be.

These people do not ask anything of the Government. They do not ask the Government to contribute. The Government is not obligated to do anything except to give a general charter to the corporation which is to be organized. The reason for the organization or interpretation is perfectly apparent from section 5, of which I read just a short part:

> That the said trustees shall be entitled to take, hold, and administer any securities, funds, or property which may be transferred to them for the purposes and objects hereinbefore enumerated by the existing and unincorporated American Committee for Armenian and Syrian Relief, and such other funds or property as may at any time be given, devised, or bequeathed to them or to such corporation, for the purposes of the trust.

We all know from common experience that usually matters of this kind can be handled better by a corporation than by an unincorporated society. The part that the Government is to play in it is distinctly set out in section 9, as follows:

> That the corporation shall have no power to issue certificates of stock or declare or pay any dividends, or otherwise distribute to its members any of its property, or the proceeds therefrom, or from its operations. On dissolution of the corporation otherwise than by act of Congress the property shall escheat to the United States.

Mr. President, it seems to me that the bill should pass, and pass unanimously. It is for a worthy purpose. It is for a purpose that the Government ought to be behind; and I hope it will so pass.

Mr. KING. Mr. President, the Senator from Tennessee [Mr. McKELLAR], in the eulogy which he has just passed upon the objects of the bill, utterly misconceives the position which has been taken by myself with respect to this measure. There is no question but that the purposes, as I stated, are worthy. I have the highest praise for the splendid work performed by the Christian men who have carried the banner of hope and help to the stricken peoples of Asia Minor. I know of the great work which they have done, and of the still greater work which they have in contemplation.

There is a great deal of difference between the objects of an organization and the organization itself, or the power to create the organization. I stated before, as I state now, that there ought to be an incorporation. This bill is of such a character as that a legal corporation ought to exist, rather than a voluntary association or a partnership, limited or otherwise. My contention is that the incorporation should be formed under the act of the District of Columbia, which is sufficiently broad and comprehensive for it to obtain all of the power which this bill gives, and all of the power that any organization should desire. If it were not desired to incorporate under the laws of the District of Columbia, then the organization could be effected under the incorporation act of any of the States of the Union.

My contention is that a direct charter by Congress, even for a worthy and a charitable purpose, is beyond the power of the Federal Government. The Federal Government has the right, in dealing with the District of Columbia, to authorize by general law the formation of corporations within the District of Columbia; and I concede that if this can be considered merely the exercise of that power, then undoubtedly this bill is constitutional. If it be a direct assertion of power, if it be in harmony with the theory of some that Congress may incorporate any organization for any purpose within the United States and clothe it with full authority to engage in private business, then I deny the power of the Federal Government to pass this or similar acts.

The PRESIDING OFFICER. The bill is in the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ATLAS LUMBER CO. AND OTHERS.

Mr. KELLOGG. I ask unanimous consent that the Senate take up for consideration Senate bill 715, which I send to the desk.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent for the immediate consideration of a bill, which will be stated by the Secretary.

Mr. KING. Mr. President, after the bill is read, will the Senator make an explanation of it?

Mr. KELLOGG. Certainly.

The Secretary read the bill (S. 715) for the relief of the Atlas Lumber Co., Babcock & Willcox, Johnson, Jackson & Corning Co., and the C. H. Klein Brick Co., each of which companies furnished to Silas N. Opdahl, a failing Government contractor, certain building materials which were used in the construction of Burke Hall at the Pierre Indian School, in the State of South Dakota, as follows:

Whereas on the 26th day of July, 1911, Silas N. Opdahl entered into a contract with the Commissioner of Indian Affairs for the construction of a brick dormitory, known as Burke Hall, at the Pierre Indian School, at Pierre, S. Dak., for $30,200, without requiring a bond from said Opdahl for the protection of labor and material men, as required by the act of Congress of February 24, 1905, amending the act of August 13, 1894; and

Whereas thereafter the firms and corporations hereinafter mentioned furnished building materials to said Opdahl for use in the construction of said Burke Hall upon the belief and understanding that the Commissioner of Indian Affairs had required the said Opdahl to give the bond required by law for the protection of labor and material men and without having any knowledge to the contrary; and

Whereas the said Opdahl did thereafter, to wit, on the 21st day of November, 1912, complete his said contract for the construction of said Burke Hall; and

Whereas thereafter, to wit, on the 30th day of April, 1913, the proper accounting officers of the Government, in making settlement with said Opdahl, suspended the sum of $5,688 as liquidated damages for delay on the part of said contractor in the completion of said work, and which sum was thereafter turned into the Treasury of the United States; and

Whereas the said Silas N. Opdahl ever since the said 30th day of April, 1913, has been and now is insolvent and unable to pay the firms and corporations hereinafter named which furnished him with certain building materials for the erection and construction of said Burke Hall; and

Whereas thereafter, to wit, on the 11th day of December, 1913, Babcock & Willcox instituted a suit, in the name of the United States of America, against the said Silas N. Opdahl and the American Surety Co. of New York, in their own behalf and in behalf of all other persons who supplied labor and material to said Opdahl in the construction of said Burke Hall whose claims for labor and material were then unpaid; and

Whereas said suit has been prosecuted to final judgment and it has been adjudged and determined that the said American Surety Co. of New York was not liable to material men who furnished materials to said Opdahl under his said contract with the Government (Babcock & Willcox v. American Surety Co. of New York, 236 Fed Rep., 340); and

Whereas the various firms and corporations hereinafter named have no relief in the premises except through and by virtue of an act of Congress: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, as follows, to wit: To the Atlas Lumber Co., a West Virginia corporation, at Minneapolis, Minn., the sum of $3,530.65; to C. W. Babcock and T. B. Willcox, copartners as Babcock & Willcox, of Kasota, Minn., the sum of $456.95; to Johnson, Jackson & Corning Co., a Minnesota corporation, of Minneapolis, Minn., the sum of $855.94; and to C. H. Klein and C. T. Klein, copartners as the C. H. Klein Brick Co., of Chaska, Minn., the sum of $186.68.

Mr. KELLOGG. Mr. President, a similar bill was unanimously recommended by the Committee on Claims and passed the Senate last winter, but failed to pass the House because it came in so late in the session. This bill has been unanimously recommended by the Committee on Claims. The facts are as follows:

The Secretary of the Interior or the Bureau of Indian Affairs in taking the bond of the principal contractor failed to include in it a clause, which the act of Congress required the Secretary of the Interior to include in the bond, for the payment of the claims of the material men and laborers performing the contract. The law does not permit the subcontractors or material men and laborers to have anything to do with the bond or to bring a suit upon it until six months after the Government shall fail to bring a suit for its own indemnification. By reason of that failure of the Interior Department the court held that the bond was not security as the law requires for the material men. The Government having deducted something over $5,000 from the amount of the contract it is not the loser of a dollar, so the Secretary of the Interior has recommended the passage of the bill, as there is no way to appropriate the money for the payment of the claims without an act of Congress. As the claims are to be paid without interest, the Government will still be ahead $200.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL BUDGET SYSTEM.

Mr. McCORMICK. Mr. President, I move that the Senate proceed to the consideration of Senate resolution No. 58, providing for the appointment of a special committee to devise a plan for a budget system.

The motion was agreed to; and the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules with an amendment, to insert after the word "committee," in line 1, the words "to be composed of 10 members, 6 to be chosen from the majority party and 4 from the minority party," so as to make the resolution read:

Resolved, That there be appointed a special committee to be composed of 10 members, 6 to be chosen from the majority party and 4 from the minority party, of the Senate to devise a plan for a budget system, and that said committee shall report a plan for a national budget not later than September 1, 1919.

Mr. KENYON. I desire to ask the Senator from Illinois [Mr. McCORMICK] a question. The resolution reads:

That there shall be appointed a special committee.

By whom? Should not the words "by the Vice President" be inserted?

Mr. McCORMICK. No; it was intended by the Committee on Rules that the committee should be selected by the Senate.

Mr. KENYON. Do I understand the Senator, then, that the Committee on Rules will appoint the committee?

Mr. McCORMICK. No; the Senate itself is to select the members of the committee.

Mr. KENYON. The resolution does not so state.

Mr. McCORMICK. The resolution may be corrected in that regard.

Mr. KING. I think that would be implied.

Mr. KENYON. I should like to ask the Senator further with reference to the date. It reads:

Not later than September 1, 1919.

Mr. McCORMICK. That is due to the fact that the resolution was reported a month ago and has not been acted upon.

Mr. KENYON. Would it not be better to fix a later date?

Mr. McCORMICK. Let it be December 1.

Mr. KENYON. I move to substitute the word "December" for the word "September."

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. In line 5, page 1, strike out "September" and insert in lieu thereof "December," so as to read:

Not later than December 1, 1919.

The amendment was agreed to.

Mr. KENYON. I should like to ask the Senator from Illinois a further question. The committee is to be composed of 10 members, 6 to be chosen from the majority and 4 from the minority party. Does not the Senator feel that that is rather a large committee?

Mr. McCORMICK. If the Senator from Iowa wishes to amend to make it read five and three, respectively, I shall have no objection.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. McCORMICK. I yield.

Mr. KING. Would it not be better to make it a committee of seven, four from the majority and three from the minority, to be appointed by the Vice President?

Mr. McCORMICK. In the absence of the Senator from Pennsylvania [Mr. KNOX], the chairman of the Committee on Rules, I would not care to accept an amendment so far-reaching as that. The committee amended the resolution which I introduced and fixed the number of members and the proportion between the majority and the minority, and the committee intended that the special committee should be selected by the Senate. I do not feel free to accept the amendment to the amendment in the absence of the Senator from Pennsylvania.

Mr. LODGE. If I may interrupt the Senator, the plan of the Committee on Rules is that this committee shall be made up as all committees of the Senate are made up.

Mr. McCORMICK. Precisely.

Mr. KENYON. I am not going to urge a reduction, then, in number, though I think it could accomplish more with a smaller committee. It will be difficult to get them all together.

Mr. McCORMICK. I think in writing in the amendment the clerk of the committee erred in placing the words "of the Senate" at the end of line 3 instead of at the end of line 1. I suggest that that correction be made in the resolution.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. Transpose the words "of the Senate" from the end of line 3 to the end of line 1, so as to read:

That there be appointed a special committee of the Senate—

And so forth.

The amendment was agreed to.

Mr. McCORMICK. To meet the objection raised by the Senator from Iowa, I move to strike out the word "appointed" and to insert in lieu thereof the word "elected," in line 1.

Mr. LODGE. I do not think there is any necessity for that amendment. The resolution as it stands provides for the committee like any other Senate committee.

Mr. McCORMICK. If it follows the usual form, of course I have no objection.

Mr. KENYON. Permit me to ask the Senator from Massachusetts whether as the resolution stands the committee would be appointed by the Rules Committee?

Mr. LODGE. No; not at all. We are establishing here a select committee for a temporary purpose, and it will be appointed like all other committees. The names will be brought in by the committee on committees of the majority and minority, respectively, as in the case of all other committees.

Mr. KING. I think the position of the Senator from Massachusetts is correct, for it implies that the body itself shall name the committee, and the amendment suggested by the distinguished Senator from Illinois would not be necessary.

Mr. McKELLAR. Do I understand the Senator from Illinois to say that he will withdraw his amendment?

Mr. McCORMICK. Yes; I withdraw the proposed amendment.

Mr. LODGE. I call attention to the fact that the language of the rule is:

The following standing committee shall be appointed.

It does not say by whom, but they are appointed by the Senate.

The PRESIDING OFFICER. There is a committee amendment, which the Secretary will report.

The SECRETARY. The committee proposes to amend by inserting after the end of line 1 the words:

To be composed of 10 members, 6 to be chosen from the majority party and 4 from the minority party.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the resolution as amended.

Mr. SMITH of Georgia. I ask to have the resolution read as amended.

The PRESIDING OFFICER. The Secretary will read the resolution as amended.

The Secretary read as follows:

Resolved, That there be appointed a special committee of the Senate to be composed of 10 members, 6 to be chosen from the majority party and 4 from the minority party, to devise a plan for a budget system, and that said committee shall report a plan for a national budget not later than December 1, 1919.

Mr. SMITH of Georgia. The Senator from Massachusetts thinks that under the resolution the special committee will take the course of general committees and be selected by the Senate?

Mr. LODGE. That is the language of the rule. I do not think there can be any doubt about it.

The resolution as amended was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 15, 1919, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 14, 1919.

UNITED STATES DISTRICT JUDGE.

Henry H. Watkins, of Anderson, S. C., to be United States district judge for the western district of South Carolina, vice Joseph T. Johnson, deceased.

MEMBER OF THE FEDERAL BOARD FOR VOCATIONAL EDUCATION.

C. F. McIntosh, of Indiana, to be a member of the Federal Board for Vocational Education for a term of three years from July 17, 1919. (A reappointment.)

DIRECTOR BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Philip B. Kennedy, of New York, to be Director Bureau of Foreign and Domestic Commerce, Department of Commerce, vice Burwell S. Cutler, resigned.

(By transfer from commercial attaché.)

ASSISTANT DIRECTOR BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Roy S. MacElwee, of New York, to be First Assistant Director Bureau of Foreign and Domestic Commerce, Department of Commerce, vice Grosvenor M. Jones, resigned.

ASSISTANT COMMISSIONER OF PATENTS.

Melvin H. Coulston, of New York, to be Assistant Commissioner of Patents, vice Francis W. H. Clay, deceased.

REGISTER OF THE LAND OFFICE.

Mrs. Minnie L. Bray, of Carson City, Nev., to be register of the land office at Carson City, Nev., vice Shober J. Rogers, resigned.

MEMBER OF THE CALIFORNIA DÉBRIS COMMISSION.

Col. E. Eveleth Winslow, Corps of Engineers, for appointment as a member of the California Débris Commission, provided for by the act of Congress approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," vice Col. William H. Heuer, United States Army, retired.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE REGULAR ARMY.

CORPS OF ENGINEERS.

To be first lieutenants.

Second Lieut. Theodore L. Welles, jr., Corps of Engineers, from October 23, 1918.

Second Lieut. Conrad P. Hardy, Corps of Engineers, from October 26, 1918.

Second Lieut. Ernest W. Dichman, Corps of Engineers, from December 4, 1918.

Second Lieut. John H. Chase, Corps of Engineers, from December 29, 1918.

Second Lieut. Edwin R. Harrall, Corps of Engineers, from January 7, 1919.

Second Lieut. Albert Haertlein, Corps of Engineers, from February 7, 1919.

Second Lieut. John C. Arrowsmith, Corps of Engineers, from March 16, 1919.

Second Lieut. Edgar Marburg, jr., Corps of Engineers, from April 3, 1919.

Second Lieut. Harry P. Hart, Corps of Engineers, from April 6, 1919.

Second Lieut. Samuel J. Callahan, Corps of Engineers, from April 13, 1919.

Second Lieut. John E. Wood, Corps of Engineers, from April 16, 1919.

Second Lieut. Roland Jens, Corps of Engineers, from July 30, 1918.

Second Lieut. William E. Thrasher, Corps of Engineers, from August, 20, 1918.

Second Lieut. George W. Coffey, Corps of Engineers, from October 13, 1918.

Second Lieut. George O. Consoer, Corps of Engineers, from October 21, 1918.

Second Lieut. Count Harvey, Corps of Engineers, from July 9, 1918.

PROMOTIONS IN THE NAVY.

Brig. Gen. (temporary) Smedley D. Butler to be a colonel in the Marine Corps from 9th day of March, 1919.

Col. (temporary) George C. Thorpe to be a colonel in the Marine Corps from the 9th day of March, 1919.

Col. (temporary) Alexander S. Williams to be a lieutenant colonel in the Marine Corps from the 8th day of February, 1919.

Lieut. Col. (temporary) Julius S. Turrill to be a lieutenant colonel in the Marine Corps from the 9th day of March, 1919.

Maj. (temporary) Harold F. Wirgman to be a major in the Marine Corps from the 8th day of February, 1919.

Maj. (temporary) Joseph A. Rossell to be a major in the Marine Corps from the 9th day of March, 1919.

Col. Logan Feland to be a brigadier general in the Marine Corps, for temporary service, from the 9th day of March, 1919.

Lieut. Col. Harold C. Snyder to be a colonel in the Marine Corps, for temporary service, from the 8th day of February, 1919.

Lieut. Col. Alexander S. Williams to be a colonel in the Marine Corps, for temporary service, from the 9th day of March, 1919.

Maj. Howard H. Kipp to be a lieutenant colonel in the Marine Corps, for temporary service, from the 8th day of February, 1919.

Maj. Ellis B. Miller to be a lieutenant colonel in the Marine Corps, for temporary service, from the 9th day of March, 1919.

The following-named captains to be majors in the Marine Corps, for temporary service, from the 1st day of July, 1918:

Evans O. Ames,
Stanley M. Muckleston, and
William H. Davis.

The following-named first lieutenants to be captains in the Marine Corps, for temporary service, from the 2d day of July, 1918:

Robert A. Barnet, jr.,
Frank B. Wilbur,
Francis B. Reed,
Lester D. Johnson,
John Kaluf,
Judson H. Fitzgerald, and
Samuel A. Milliken.

The following-named first lieutenants to be captains in the Marine Corps, for temporary service, from the 19th day of July, 1918:

Henry D. F. Long,
James Diskin,
Ross L. Iams,
Lee Carter,
George Nielsen,
Wyle J. Moore,
Charles D. Baylis,
Richard B. Dwyer,
William G. Kilgore,
Harry E. Leland,
Winfield S. Cranmer,
John F. Leslie,
David R. Nimmer,
Georges F. Kremm,
Walter H. Batts, and
Trevor G. Williams.

The following-named first lieutenants to be captains in the Marine Corps, for temporary service, from the 15th day of August, 1918:

David L. Ford, and
Josephus Daniels, jr.

The following-named first lieutenants to be captains in the Marine Corps, for temporary service, from the 17th day of August, 1918:

Horace Talbot,
Edward B. Moore,
Frank W. Hemsoth,
Emil M. Northenscold,
David Kipness,
Robert K. Ryland,
William D. Wray,
Uley O. Stokes,
Charles P. Phelps,
Sherman L. Zea, and
Harold W. Whitney.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 2d day of January, 1919:

Herbert S. Keimling,
Ramie H. Dean,
Raymond P. James,
Fred J. Zinner,
Reuben E. Puphal,
Stephen Skoda,
Harold A. Strong,
James E. Foster,
Clarence L. Seward, jr.,
William A. Siefer,
Wilbur T. Love,
William S. Fellers,
Henning F. Adickes,
Roy W. Conkey,
Samuel H. Wood,
Merile H. Stevenson,
Augustus Paris,
Chester E. Orcutt,
Louis B. West,
Denzil R. Fowls,
Forest J. Ashwood,
George C. Buzby,
Augustus H. Fricke,
Edward M. Butler,
Thomas J. Caldwell,
Louis E. McDonald,
George H. Towner, jr.,
Robert A. Cobban,
Stephen E. St. George,
Louis Cukela,
James M. Burns, jr.,
Emmons J. Robb,
Allan S. Heaton,
Erwin F. Schaefer,
Daniel D. Thompson,
Wilbur Summerlin,
Charles F. Commings,
Walter W. Wensinger,
Robert O. Williams,
John T. Stanton,
Virgil P. Schuler,
Harry S. Davis,
Peter P. Wood,
Lawrence E. Westerdahl,
David N. Richeson,
Merle J. Van Housen,
James C. Leech,
Richard S. Ross,
Vinton H. Newell,
Emmit R. Wolfe,
Stephen A. Norwood,
Raymond A. O'Keefe,
Frank M. Cross,
George W. McHenry,
Gale T. Cummings,
Charles W. Holmes,
Samuel H. Woods,
Wilbur Eickelberg,
Robert A. Butcher,
Allen J. Burris,
Earl M. Rees, and
Carl Gardner.

Maj. (temporary) Arthur P. Crist, retired, to be a major in the Marine Corps, on the retired list, from the 9th day of March, 1919.

Maj. (temporary) Thomas F. Lyons, retired, to be a major in the Marine Corps, on the retired list, from the 9th day of March, 1919.

CONFIRMATIONS.

Executive nominations confirmed by Senate July 14, 1919.

UNITED STATES ATTORNEY.

J. M. Clements to be United States attorney, District of Alaska, division No. 2.

MEMBER OF THE FEDERAL BOARD FOR VOCATIONAL EDUCATION.

C. F. McIntosh to be a member of the Federal Board for Vocational Education.

REGISTER OF LAND OFFICE.

Ole Thompson to be register of the land office at Crookston, Minn.

RECEIVER OF PUBLIC MONEYS.

James P. O'Connell to be receiver of public moneys, Crookston, Minn.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 14, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, who lives and reigns in the affairs of men, we thank Thee for all the great men and true who are striving for perfection as individuals, for the purity of the home, the betterment of society, and the higher methods of government in the physical, intellectual, moral, and spiritual life.

Grant them success in their leadership, that the fruitions of life may be altogether in accordance with Thy will and good purposes, through Christ Jesus our Lord. Amen.

The Journal of the proceedings of Saturday, July 12, 1919, was read and approved.

AGRICULTURAL APPROPRIATIONS—VETO OF THE PRESIDENT.

The SPEAKER. The Chair lays before the House a bill, which the Clerk will report by title, with the President's message regarding the same.

Mr. CALDWELL. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. Will the gentleman suspend until the Clerk has read the title?

Mr. CALDWELL. I will.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 3157. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920.

The SPEAKER. The gentleman from New York [Mr. CALDWELL] makes the point that there is no quorum present. Undoubtedly there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

Mr. CLARK of Missouri. Mr. Speaker, inasmuch as we have to vote by roll call on the veto, I think the gentleman should withdraw his point of order of no quorum.

Mr. MONDELL. I suppose the gentleman made it because, no doubt, it would be made anyway.

Mr. CLARK of Missouri. We will have a vote by roll call on the message.

The SPEAKER. Does the gentleman from New York insist on his point of order?

Mr. CALDWELL. I insist on the point of order.

The SPEAKER. The gentleman from Wyoming moves a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Andrews, Md.	Frear	King	Rainey, H. T.
Ashbrook	Freeman	Kreider	Reber
Britten	Gallivan	Lever	Reed, W. Va.
Browne	Garrett	McClintic	Rowan
Caraway	Goodall	Mann	Rowe
Costello	Goodwin	Mason	Scully
Crago	Greene, Vt.	Moon	Slemp
Eagle	Hamill	Neely	Small
Echols	Heflin	Olney	Stiness
Edmonds	Hickey	Paige	Walters
Emerson	Hicks	Peters	Wilson, Pa.
Fairfield	Hull, Tenn.	Porter	Winslow
Fitzgerald	Hutchinson	Purnell	

The SPEAKER. Three hundred and seventy-nine Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Sharkey, one of his secretaries.

AGRICULTURAL APPROPRIATIONS—VETO OF THE PRESIDENT.

The SPEAKER. When the point of no quorum was made the Chair had laid before the House the Agricultural appropriation bill with the message of the President vetoing the same, and the question before the House is: Will the House on reconsideration agree to the bill, the objection of the President to the contrary notwithstanding?

Mr. HAUGEN. Mr. Speaker, the question in controversy has been discussed, debated, and voted on twice by this House. The fact that it has been considered and passed upon on two occasions—first, in the Esch bill, when that bill passed this House by a vote of 232 to 122; second, in this bill, when passed without a dissenting vote—and the further fact that the veto has suspended every legal authority of the Department of Agriculture to continue its activities, I take it that all will agree that we should do everything to expedite the passage of the message. And with that situation confronting us, Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Iowa moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the passage of the bill, the objections of the President to the contrary notwithstanding.

Mr. MACCRATE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MACCRATE. The President having vetoed this bill, are the original provisions of the bill subject to a point of order at this time?

The SPEAKER. They are not. The question is on the passage of the bill over the President's veto. The Clerk will call the roll.

The question was taken; and there were—yeas 248, nays 135, answered "present" 1, not voting 46, as follows:

YEAS—248.

Alexander	Drane	Knutson	Sanders, Ind.
Almon	Dunbar	Kraus	Sanders, La.
Anderson	Dyer	Lampert	Sanders, N. Y.
Andrews, Nebr.	Elliott	Langley	Saunders, Va.
Anthony	Ellsworth	Lanham	Schall
Aswell	Esch	Lankford	Sears
Ayres	Evans, Nebr.	Larsen	Sells
Babka	Evans, Nev.	Layton	Shreve
Baer	Ferris	Lazaro	Sinclair
Bankhead	Fess	Lea, Calif.	Sinnott
Barbour	Fields	Lee, Ga.	Sisson
Bee	Flood	Little	Smith, Idaho
Begg	Focht	Luhring	Smith, Ill.
Bell	Fordney	McArthur	Smithwick
Benham	Foster	McCulloch	Snell
Black	Frear	McDuffie	Snyder
Blackmon	Fuller, Ill.	McFadden	Steagall
Bland, Ind.	Gandy	McKenzie	Stedman
Bland, Va.	Garner	McKeown	Steenerson
Blanton	Godwin, N. C.	McKinley	Strong, Kans.
Boies	Good	McLaughlin, Mich.	Strong, Pa.
Booher	Goodykoontz	McLaughlin, Nebr.	Summers, Wash.
Bowers	Gould	McPherson	Sumners, Tex.
Box	Graham, Ill.	Major	Sweet
Brand	Green, Iowa	Mansfield	Taylor, Ark.
Briggs	Hadley	Martin	Taylor, Colo.
Brinson	Hamilton	Monahan, Wis.	Taylor, Tenn.
Brooks, Ill.	Harrison	Mondell	Thomas
Brooks, Pa.	Hastings	Mooney	Thompson, Ohio
Buchanan	Haugen	Moore, Ohio	Thompson, Okla.
Burroughs	Hawley	Moore, Va.	Tillman
Butler	Hayden	Morgan	Timberlake
Byrnes, S. C.	Hays	Mott	Tincher
Campbell, Kans.	Hernandez	Mudd	Towner
Candler	Hersey	Murphy	Upshaw
Cannon	Hickey	Nelson, Mo.	Venable
Carss	Hill	Nelson, Wis.	Vestal
Carter	Hoch	Newton, Mo.	Vinson
Christopherson	Holland	Nicholls, S. C.	Voigt
Clark, Fla.	Houghton	O'Connor	Volstead
Clark, Mo.	Howard	Oldfield	Ward
Classon	Huddleston	Oliver	Wason
Cole	Hudspeth	Overstreet	Watkins
Collier	Hulings	Padgett	Watson, Pa.
Connally	Hull, Iowa	Park	Watson, Va.
Cooper	Humphreys	Parrish	Whaley
Copley	Ireland	Pou	Wheeler
Cramton	Jacoway	Quin	White, Kans.
Crisp	Jefferis	Ragsdale	Williams
Curry, Calif.	Johnson, Ky.	Ramseyer	Wilson, Ill.
Dale	Johnson, Miss.	Randall, Wis.	Wilson, La.
Davey	Johnson, S. Dak.	Rayburn	Wilson, Pa.
Davis, Minn.	Johnson, Wash.	Reavis	Wingo
Davis, Tenn.	Jones, Pa.	Reed, N. Y.	Wise
Dempsey	Jones, Tex.	Rhodes	Wood, Ind.
Denison	Juul	Ricketts	Woods, Va.
Dent	Kearns	Riddick	Woodyard
Dickinson, Mo.	Kendall	Robsion, Ky.	Wright
Dickinson, Iowa	Kennedy, Iowa	Rodenberg	Yates
Dominick	Kincheloe	Romjue	Young, N. Dak.
Doughton	Kinkaid	Rubey	Young, Tex.
Dowell	Kitchin	Rucker	Zihlman

NAYS—135.

Ackerman	Cullen	Glynn	Lehlbach
Bacharach	Currie, Mich.	Goldfogle	Linthicum
Barkley	Dallinger	Graham, Pa.	Lonergan
Benson	Darrow	Greene, Mass.	Longworth
Bland, Mo.	Dewalt	Griest	Luce
Britten	Donovan	Griffin	Lufkin
Browning	Dooling	Hardy, Colo.	McAndrews
Brumbaugh	Doremus	Haskell	McGlennon
Burdick	Dunn	Hersman	McKiniry
Burke	Dupré	Husted	McLane
Byrns, Tenn.	Eagan	James	MacCrate
Caldwell	Elston	Johnston, N. Y.	MacGregor
Campbell, Pa.	Evans, Mont.	Kahn	Madden
Cantrill	French	Kelley, Mich.	Magee
Carew	Fuller, Mass.	Kelly, Pa.	Maher
Casey	Gallagher	Kennedy, R. I.	Mapes
Chindblom	Gallivan	Kettner	Mays
Cleary	Ganly	Kiess	Mead
Coady	Gard	Kleczka	Merritt
Crowther	Garland	LaGuardia	Michener

Miller	Parker	Rose	Temple
Minahan, N. J.	Pell	Rouse	Tilson
Montague	Phelan	Sabath	Tinkham
Moon	Platt	Sanford	Treadway
Moore, Pa.	Porter	Scott	Vaile
Moores, Ind.	Radcliffe	Sherwood	Vare
Morin	Rainey, J. W.	Siegel	Walsh
Newton, Minn.	Raker	Sims	Weaver
Nichols, Mich.	Ramsey	Smith, Mich.	Webb
Nolan	Randall, Calif.	Smith, N. Y.	Webster
O'Connell	Reber	Steele	Welling
Ogden	Riordan	Stephens, Ohio	Welty
Osborne	Robinson, N. C.	Stevenson	White, Me.
Paige	Rogers	Sullivan	

ANSWERED "PRESENT"—1.

Hardy, Tex.

NOT VOTING—46.

Andrews, Md.	Fitzgerald	King	Reed, W. Va.
Ashbrook	Freeman	Kreider	Rowan
Browne	Garrett	Lesher	Rowe
Caraway	Goodall	Lever	Scully
Costello	Goodwin, Ark.	McClintic	Slemp
Crago	Greene, Vt.	Mann	Small
Eagle	Hamill	Mason	Stephens, Miss.
Echols	Heflin	Neely	Stiness
Edmonds	Hicks	Olney	Walters
Emerson	Hull, Tenn.	Peters	Winslow
Fairfield	Hutchinson	Purnell	
Fisher	Igoe	Rainey, H. T.	

So, two-thirds not having voted in the affirmative, the House decided not to pass the bill, the objection of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

On the vote:

Mr. EDMONDS and Mr. BAER (to override veto) with Mr. ROWE (against).

Mr. HARDY and Mr. IGOE (to override veto) with Mr. SCULLY (against).

Mr. MCCLINTIC and Mr. KING (to override veto) with Mr. FITZGERALD (against).

The result of the vote was announced as above recorded.

The SPEAKER. Two-thirds having failed to vote in the affirmative, the bill is not passed. [Applause.] The Chair refers the bill to the Committee on Agriculture.

LEAVE OF ABSENCE.

Mr. BYRNS of Tennessee. Mr. Speaker, my colleague, Mr. HULL of Tennessee, has been ill since last Friday, and is unable to be here to-day and vote. I want to ask that he be indefinitely excused on account of sickness. The doctor has forbidden anyone to see him, and I am unable to say how he would have voted on this proposition.

The SPEAKER. Without objection, leave of absence will be granted.

There was no objection.

CORRECTION.

Mr. YATES. Mr. Speaker, I rise to make a correction of the RECORD. On page 2498, containing the proceedings of day before yesterday, Saturday, the 12th instant, an assertion made by me is omitted. Immediately before the words "This morning in the Congressional Library," should appear the following words: "Samuel Gompers was in Springfield, Ill., in November, 1887. He appeared before Gov. Richard J. Oglesby and made a plea for mercy for the condemned Haymarket anarchists. I was there and saw him and heard him."

The SPEAKER. Without objection, the correction will be made.

Mr. GALLIVAN. Reserving the right to object, I do not know just what it is that the gentleman wants to have corrected.

The SPEAKER. The gentleman from Massachusetts reserves the right to object.

Mr. GALLIVAN. I just want to know what it is that the gentleman wants corrected in the RECORD.

Mr. YATES. The other day, Mr. Speaker, in the House I referred to an alleged statement by Mr. Gompers in reference to the attitude of the laboring men of America, and I stated that I——

Mr. GALLIVAN. I object without any further reservation.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. YATES. Very well, Mr. Speaker.

THE SUNDRY CIVIL APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I ask unanimous consent for one minute, in which to make a statement in regard to the sundry civil bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. GOOD. Mr. Speaker, on Saturday, when the veto message of the President was read on the sundry civil appropriation bill, on motion that message and the bill were referred to the Committee on Appropriations. Yesterday the Committee on Appropriations held quite extensive hearings on the question of educational rehabilitation. Those hearings have been sent to the Public Printer in order that they may be printed so that the Members may have copies when that question comes before the House. I am advised that the printed copies of the hearing will not be ready for the Members until very late this afternoon. It is my intention, therefore, to call up the bill to-morrow morning immediately after the reading of the Journal and the disposition of business on the Speaker's table.

PROHIBITION OF INTOXICATING BEVERAGES.

The SPEAKER. The House, under the rule, resolves itself automatically into Committee of the Whole House on the state of the Union for the further consideration of the prohibition-enforcement bill, and the gentleman from Iowa [Mr. GOOD] will take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6810, the prohibition-enforcement bill, with Mr. GOOD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6810, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

The CHAIRMAN. When the committee rose on Saturday the reading of section 1, Title I, had just been completed. Amendments are now in order to that section.

Mr. IGOE. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. IGOE: Page 2, line 1, after the word "States," strike out the remainder of the section and insert the words "and the same is hereby repealed."

Mr. BARKLEY. Mr. Chairman, I make the point of order on that.

Mr. VOLSTEAD. I make the point of order that that is not germane to this bill.

The CHAIRMAN. The gentleman from Minnesota makes the point of order.

Mr. IGOE. Mr. Chairman, may I ask upon what ground the point of order is made?

The CHAIRMAN. The gentleman from Minnesota will state the point of order.

Mr. VOLSTEAD. It is not germane.

Mr. IGOE. Mr. Chairman, I desire to be heard. I am not surprised that this point of order should be made. This bill, which is now presented to the House, is divided into three parts. The first part has to do with what is called the enforcement of war-time prohibition. I desire to call the attention of the Chair, first, to the proposition that in this bill we find incorporated by reference an entire act of Congress. It provides that the term "war prohibition," as used in this act, shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war, and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States.

That reference incorporates in this bill all of the provisions of what is known as war-time prohibition contained in the act of November 21, 1918, or the rider upon the bill for stimulating agriculture.

The bill further provides that certain terms in that act shall be amended. I desire to call the attention of the Chair, further, to the fact that throughout this bill, in sections 2, 3, and 5, there are amendments of the war-time prohibition act.

I contend, Mr. Chairman, first, that the committee in reporting the bill in this shape can not deprive the House of the opportunity to amend or repeal the war-time prohibition act by referring to it instead of incorporating it in terms. As far as this bill is concerned, and as far as the proceeding of the House are concerned, that act might just as well be incorporated in this bill in the exact language of the act of November 21, 1918. Beyond that this bill contains amendments to the act of November 21, 1918; and while it is true that an amendment may not be amended by another proposition which is not germane, yet I call the attention of the Chair to the ruling in Hinds' Precedents, in volume 5, section 5824, where a proposition

analagous to this was presented. In that case the House had under consideration amendments to the bankruptcy act, and when the first section was read an amendment was offered repealing the bankruptcy act. The chairman of the committee, Mr. Dalzell, ruled that the amendment was germane.

I would like to have the Chair read that opinion in connection with the point of order just made. Chairman Dalzell overruled the point of order and held that the amendment was in order, and said:

It needs no argument to show that it would be competent to amend the pending bill, disposing of it section by section. For example, section 1 may be amended by striking out the words "amended so as to read as follows" and by substituting the word "repealed," so that the section would read: "That clause 15 of section 1 of an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, be, and the same is hereby, repealed."

The same method may be followed in the case of each and all of the sections of the bill in their order. And this process, in the opinion of the Chair, may be made to reach to other paragraphs of the bankruptcy law than those specifically referred to in the pending amendatory bill, because all the sections of the bankruptcy law are germane to each other.

For example, it would be in order to amend the bill by adding additional sections amendatory of sections of the bankruptcy law not referred to in the bill.

Now, Mr. Chairman, it may be said by some that the war prohibition law is not before this Congress in this bill; but if you will read the first section you will see that the term "war prohibition" as used in this act shall mean what? It means the act of November 21, 1918, and it is just as much in this bill as if it had been set out again in the exact language.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. IGOE. Yes.

Mr. PADGETT. I wish to call to the attention of the committee that this first section is simply a definition, and you are simply repealing a definition. You are not repealing the act, but the definition.

Mr. IGOE. But, Mr. Chairman, under the guise of a definition there is incorporated an act of Congress; and if the whole act had been set out in this section, I do not believe there would be any question but what we might amend it or repeal it, and the only question is whether by referring to it instead of incorporating it in this act it can be said that this amendment is not germane.

Mr. BLANTON. Mr. Chairman, I desire to be heard in favor of the point of order against the amendment.

The CHAIRMAN. The gentleman from Texas.

Mr. BLANTON. Mr. Chairman, whatever may be the purpose and intention of the gentleman who offers this amendment, it is clearly an amendment to the war-time prohibition act, not connected with the single amendment in this bill, and the effect of it, if passed, would be twofold: First, it would destroy absolutely the definition which Congress is attempting to place in this bill, defining intoxicating liquor. Without such a definition it would leave it up to the court in each separate, distinct case of violation to determine what intoxicating liquor was, whether or not the particular liquor which had been sold in violation of the law in that case was intoxicating, according to the definition in the State statute, if any there were, and if not, then according to the uncertain evidence pro and con brought before the court. It would just simply hamper the court in enforcing the law and tend to nullify this enforcement law. That would be one result and one effect if this amendment were passed.

Mr. PELL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. PELL. Is there any reason why, in this as in every other law, questions of fact should not be decided by the jury, as they have been for 500 years?

Mr. BLANTON. I tried to explain to the gentleman the other day that when the law defines murder, to the effect that when any person with malice aforethought, either express or implied, with intent to kill and with a deadly weapon, shall take the life of any reasonable creature in being, he shall be deemed guilty of murder, that when the law so defines murder it does not stop there, but defines what each essential element and ingredient of the offense is; it definitely defines malice aforethought as a guide for the court and jury. In defining the ingredients of murder it tells the court what shall constitute malice aforethought. It tells the court what is meant by a reasonable creature in being. It tells the court what a deadly weapon is—that is, a weapon which is well calculated and likely to produce death from the mode and manner of its use—and so forth. Just so in this particular law there is an attempt made by this Congress, as a law-making body, to tell the court what intoxicating liquor is, not leaving it to each particular court and jury to decide.

Violators of the law will manufacture frosty, or bevo, or some other kind of drink with a large enough per cent of alcohol in it to intoxicate, and there will be plenty of witnesses forthcoming to swear that it will not intoxicate, if this Congress fails to do its duty by defining this term.

Mr. GRAHAM of Pennsylvania. I should like to inquire what legislation the gentleman is referring to which contains all these definitions that he enumerates?

Mr. BLANTON. I am speaking of the State codes, in those States which have codes. I presume the gentleman's State is under the old common law; and, if so, this definition of what malice aforethought is and what a deadly weapon is, has been understood since a time when the memory of man runneth not to the contrary, and it is carried out and enforced by the courts of the States.

Mr. GRAHAM of Pennsylvania. Is it not always dependent upon the decisions which have been rendered; and are not these things frequently questions of fact? For instance, what shall constitute a deadly weapon is a question of fact.

Mr. BLANTON. Does the distinguished gentleman from Pennsylvania mean to tell us that in his State a double-barreled shotgun loaded with buckshot is not ipso facto a deadly weapon under the common law?

Mr. GRAHAM of Pennsylvania. Why, certainly, no; and no legislative action would be necessary to tell common people that that was so.

Mr. BLANTON. Well, that is just what I am trying to do here.

Mr. SAUNDERS of Virginia. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SAUNDERS of Virginia. The gentleman is not discussing the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the gentleman will confine himself to the point of order.

Mr. BLANTON. I was trying to do so, but was led away from the subject by the questions that were being asked. Mr. Chairman, there is an attempt on the part of the amendment of the gentleman from Missouri, in addition to destroying the definition of intoxicating liquor, to repeal war-time prohibition. I submit to the Chair that that is not germane either to the said war-time prohibition act or to the present legislation under consideration, which in section 1 of Title I amends said war-time act only in the one particular of defining intoxicating liquor. The point of order should be sustained.

Mr. BARKLEY. Mr. Chairman, I desire to discuss the point of order very briefly. In the first place, I take issue with the gentleman from Missouri [Mr. IGOE] in his statement that this bill amends the war prohibition act, except in a very limited way, and especially in this section which he seeks to amend. There are several laws, Mr. Chairman, passed during the last Congress which are known as war prohibition acts. The first law upon the subject was an amendment to the first bill passed for the purpose of stimulating the production of food in the United States. Then in the next food stimulation bill there was an amendment added to that bill which provided against the sale and manufacture of certain liquors to begin at a certain date.

So that in order to identify the words "prohibition act" as defined in this act and defined in section 1 it is made broad enough to refer to any one of those acts, or all of them together.

If this bill were seeking to amend a bill which provided for nothing else except war prohibition, it is questionable whether it would be in order to move to repeal the law itself; it would not be in order unless several sections were involved in the amendment under consideration.

This bill does not amend the war prohibition act except as to the definition of intoxicating liquors. It does not change the penalties. The bill is not an amendment of any section in any previous act or any war prohibition provision. It simply identifies war prohibition acts referring to them in section 1.

It so happens that all the laws that contained provisions for war prohibition are upon entirely different subjects. If the gentleman's amendment is held in order, if it is held to be germane, it not only repeals the several war prohibition acts passed during the last Congress, but the food provision bills passed in the last Congress most of which have no relation whatever to intoxicating liquor.

There was no separate war prohibition act passed. All the war prohibition acts were amendments added to bills which primarily dealt with other subjects independent of intoxicating liquors. So if this amendment is in order as offered by the gentleman from Missouri it not only would repeal all the provisions of war-time prohibition, but the provisions of the food stimulation act enacted during the last Congress because those were the acts referred to in section 1. If it were germane in order to repeal section 1, I deny that it would be germane and in order to offer an amendment to repeal all of

them without specifically mentioning what they are and when they were enacted.

It has been held in a number of cases that where a bill is under consideration to amend one section of a given act it is not in order to move to repeal the entire act. I take it for granted that the Chair is perfectly familiar with those rulings.

The one case cited by the gentleman from Missouri is the case where several sections of the bankruptcy act were under consideration, and it was held that it was in order to repeal the entire act. There the entire act was the subject of bankruptcy, and the amendments to the bill being considered were on the subject of bankruptcy. This bill considers not only war prohibition, but it considers the enforcement of the constitutional amendment. If this amendment is held in order, it would repeal the entire legislation of the last Congress, both the agricultural stimulation and the stimulation of food products, which I am sure is not germane.

Mr. IGOE. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. IGOE. It says that the term "war prohibition act" used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors. I may say further that when the gentleman says there are no additional penalties——

Mr. BARKLEY. I did not say there were no additional penalties; I said it did not repeal the penalties in the original act.

Mr. IGOE. Does it not amend the act by giving new penalties?

Mr. BARKLEY. It provides for the amplification of the offenses in the original act, but that does not repeal the original act; it does not change the purpose; it does not change the tenor; it does not change the letter of the original act; it merely provides the machinery by which the original act is intended to be enforced.

Mr. TOWNER. Mr. Chairman, I think there ought not to be a question in the mind of the Chair regarding the germaneness or want of germaneness of this amendment when we consider what is done. The citation referred to by the gentleman from Missouri [Mr. IGOE] is with regard to a provision that modified or amended a certain existing law. This provision in the first section of this bill does nothing of the kind. It is merely a definition of the term as it is to be used in the act, and to say that by merely stating that when a certain thing is referred to it shall be held to mean a certain thing; that that allows an amendment repealing the entire act would be carrying the doctrine entirely too far. If the Chair will recall the definitions that are in the second title of this act, he will remember that in the first place the phrase "intoxicating liquor" is defined as used in the act. In the second place, the word "persons" is stated to mean to include natural persons, and, in the third place, the word "commissioner" is defined as used in this particular statute.

In order to do away with the necessity of again referring particularly to a long title and again referring, as in this case, to a number of laws and amendments at great length, the matter is definitely referred to, so that it may be easily had in mind by a statement at the beginning of the section. That is all that is done. The language is that the term "war prohibition act" used in this act shall mean so and so. That is all there is to it. It is not an amendment to the war prohibition act; it is not a provision that enters inherently into any of the provisions of the act; it does not modify them nor change them. It only says that when the language hereafter used in the act stating that war prohibition act is referred to it shall mean so and so. I think it is practically unnecessary to use an argument to show that such reference would be clearly outside of any power that might be invoked for the purpose of repealing or even modifying or changing the terms of the law.

There is a decision referred to in the Rules and Digest, on page 344, in which it is stated that to a bill amending a general law on a specific point an amendment relating to the terms of law rather than to those of the bill was offered and ruled not to be germane. That ruling was by Mr. Speaker Reed. It was also confirmed by Mr. Speaker CANNON and also by Mr. Speaker CLARK in later decisions. I am only citing that for the purpose of showing that certainly if that be true, then the mere statement that a reference to a particular law should be considered as it is considered in this bill, would not warrant going so far as to say that you could amend the act itself, and certainly not to the extent of repealing it.

Mr. SAUNDERS of Virginia. Mr. Chairman, this point of order brings up our old friend germaneness, who frequently comes to life to make trouble for presiding officers in the House and Committee of the Whole. According to the principles upon which the precedents establishing the rule of germaneness rest and which are usually cited in this connection, this amendment is not in order. The point of order in my judgment to the amendment ought to be sustained for the following reason: If several sections of an act are under consideration, there can be no question that under the authority of the ruling precedents, an amendment to repeal the act in question would be in order. That proposition has been settled so positively, and so frequently that it is no longer an open one in this body. But that situation is not presented. The language of the section which refers to the words "war-time prohibition" is taken from existing acts solely for descriptive and definitive purposes, and to save verbiage in drafting the bill under consideration. We often resort to this labor-saving device in the preparation of statutes. It is a matter of convenience, operating to conserve language. By the citation of the words used which are taken from existing acts, the committee merely undertook to say what the words "war-time prohibition" should mean wherever found in the bill which they reported.

The second portion of the section which is proposed to be stricken out, may be fairly regarded as an amendment to the war-time prohibition act, or acts, but if so, it is a single amendment. The precedents are abundant, and have been established, I undertake to say, by every Speaker of this body and by every Chairman of the Committee of the Whole for many years past,—that when there is a single amendment to an act under consideration, either in the committee, or the House, such an amendment will not justify a further amendment proposing to repeal the entire act. That is the pending situation. The language which undertakes to define what shall be intoxicating spirits may, I think, be fairly considered as an amendment to the war-time prohibition acts, but if so stated, it is a single amendment. Hence being a single amendment it does not justify an amendment to the effect of that offered by the gentleman from Missouri [Mr. IGOE] which designs to repeal the entire war-time prohibition acts.

Mr. IGOE. The gentleman says that if there were several sections amended this would present a different question.

Mr. SAUNDERS of Virginia. That is the rule.

Mr. IGOE. The bill incorporates by reference the whole act.

Mr. SAUNDERS of Virginia. On that contention the gentleman and I differ.

Mr. IGOE. This act, title 1, throughout the provisions, sections 2, 3, 4, 5, and 6, refers to the war prohibition act, and provides new penalties, provides new duties to be performed by different officers, provides a new proceeding in the courts, and are not all of these amendments of the original act? How could you provide new penalties, new methods of enforcement, new duties to be performed by the different officers, unless you extend the original act by amendment?

Mr. SAUNDERS of Virginia. We are dealing with the first sentence of section 1 of the bill. That sentence says that the term "war-time prohibition act" as used in this act shall mean so and so. In other words a definition is afforded for the purposes of convenience. The gentleman can not by any refinement of legal subtlety, torture the language used, to mean that the President will derive his power to make a proclamation from the present act, and not from the act from which the language cited, is taken.

Mr. IGOE. May I ask the gentleman if it is not also a rule that if an amendment be germane to the whole bill that it may be offered at any place and is not a rule of parliamentary law?

Mr. SAUNDERS of Virginia. That is true.

Mr. IGOE. Then if you take the whole bill together and it provides different amendments, why is it not in order?

Mr. SAUNDERS of Virginia. We have not reached the point where the gentleman has established that this bill presents several amendments to the war-time prohibition acts. We are dealing with section 1, presenting a single amendment and the gentleman's amendment to that section is plainly out of order.

Mr. IGOE. Mr. Chairman, it seems to me the Chair can not ignore all of this bill, Title I which is now before the House. The gentleman in his argument admits that there are other amendments to this bill. But now if the Chair will read throughout the bill it refers to this act——

Mr. SAUNDERS of Virginia. I will say to my friend I have not admitted anything of the sort.

Mr. IGOE. I draw that from the argument of the gentleman.

Mr. SAUNDERS of Virginia. The gentleman made that statement, I do not admit anything of the kind.

Mr. IGOE. I think the gentleman's argument admits it. The sections refer to this act and also to the war-prohibition act. Now, the war-prohibition act is the act of November 21. It provides a single penalty and throughout this act there is provided in one section and another additional penalties, different methods of enforcement, duties placed upon different offi-

cers of the Government, and I contend, Mr. Chairman, you can not do that without amending the original act which is incorporated in this bill, or at least referred to, and all of it relates back to that particular act. Now, can you say that this House may vote to extend an act, may vote to provide new penalties, new methods of enforcement, and yet deprive the House of a chance to vote whether they should have the act at all?

The CHAIRMAN. The Chair is ready to rule. The section reads as follows:

That the term "war-prohibition act" used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States. The words "beer, wine, or other intoxicating malt or vinous liquors" in the war-prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume.

Under that section the gentleman from Missouri [Mr. IGOE] has offered the following amendment:

Page 2, line 1, after the word "States," strike out the remainder of the section and insert the words "and the same is hereby repealed."

The part stricken out, according to this amendment, reads as follows:

The words "beer, wine, or other intoxicating malt or vinous liquors" in the war-prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume."

The gentleman from Minnesota [Mr. VOLSTEAD] makes the point of order that this amendment is not germane to the paragraph. It has been decided a number of times by the House that to a bill amendatory of any existing law as to one specific particular amendments relating to the terms of the law rather than those of the bill are held not to be germane. I think that is the well-decided opinion of the House and to that opinion I understand the gentleman from Missouri does not object, but claims that his amendment falls within the provision of the decision of this House which was first made in 1902. I read from Hinds' Precedents, volume 5, page 420, section 5824:

To a bill amending a general law in several particulars an amendment providing for the repeal of the whole law was held to be germane.

It is the contention of the gentleman from Missouri that the bill involves the war prohibition act in more than one particular, and therefore is in order. The Chair has very carefully gone through this bill, and is of the opinion that the language which reads: "That the term 'war prohibition act' used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States" does not amend the war prohibition act. The Chair is of the opinion that the bill amends the war prohibition act in only one particular, and that is it puts in an amendment commencing with the words in line 1, page 2, reading as follows:

The words "beer, wine, or other intoxicating or vinous liquors" in the war prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume.

That is the only amendment to the war prohibition act that the Chair has been able to find which can be dignified by the term of an amendment to the act.

Mr. DYER. Mr. Chairman, if the Chair will permit I would like to call the attention of the Chair to page 3 of the bill where it provides in line 3 that the punishment upon conviction thereof shall be a fine of not less than $100 nor more than $1,000, or be imprisoned for not less than 30 days or more than one year, or both. Now, the law itself provides in the second paragraph:

"Any person who violates any of the foregoing provisions shall be punished by imprisonment not exceeding one year or by fine not exceeding $1,000, or by both such imprisonment and fine."

Now, that is clearly an amendment if the Chair pleases——

The CHAIRMAN. No. The Chair will call the attention of the gentleman from Missouri to the fact that that provision only provides a penalty for a violation of the provisions of the bill we are now considering if this bill shall become a law. It is not an amendment in any particular of the war prohibition act, and the Chair therefore sustains the point of order.

Mr. IGOE. If the Chair has sustained the point of order, very well; but I was going to show the Chair where the act does amend in some other respects. I wish, for instance, to refer the Chair to the provisions of section 3: "That any room," and so forth, "where intoxicating liquor is sold, manufactured, kept for sale, or bartered in violation of the war prohibition act," and also where the Commissioner of Internal Revenue is given power to do certain things.

The CHAIRMAN. Wherein does that amend the war prohibition act?

Mr. IGOE. The war prohibition act contains no such provision as that.

The CHAIRMAN. With the exception of the single amendment just noted the bill now under consideration simply provides machinery for enforcing the act, and does not amend it in any particular.

Mr. IGOE. The penalty for any one thing in the act is one thing, but to extend the act and then provide penalties for a new offense is certainly an amendment of the provisions of the act.

The CHAIRMAN. The Chair does not think so. The Chair has ruled, and the Clerk will read.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: On page 2, line 1, after the word "States" insert the following:

"*Provided*, That whenever in the opinion of the President it shall be no longer necessary for the purposes of the present war to conserve man power, increase efficiency in the production of arms, munitions, or ships, food, and clothing for the Army and Navy, he may issue his proclamation to that effect, and from that date the provisions of the war prohibition act of November 21, 1918, shall cease to be of force and effect."

Mr. VOLSTEAD. Mr. Chairman, I make the point of order that is not germane.

Mr. GARD. Will the gentleman state his point of order?

Mr. VOLSTEAD. My contention is that the amendment simply attempts to amend the war prohibition act, and that the feature of the war prohibition act affected by this amendment has not been touched on at all in this bill one way or another. There is no extension of the war prohibition act; there is no modification in this bill as to the length of time when war prohibition shall continue in force. If there is any modification of the war prohibition act at all, it is in the last few words, the ones to which the Chairman called attention. That is a question that is open to some dispute, and we will concede that for the purposes of this legislation it may be treated as new legislation. Clearly it is an amendment of a part of the war prohibition act not touched on in this bill.

Mr. GARD. Mr. Chairman, the point I had in mind in offering the amendment in the language in which I submitted it is this:

In Title I of the bill H. R. 6810, which relates to the enforcement of war-time prohibition, reference is made to the term "war prohibition act" as meaning the provisions of any act or acts prohibiting the sale or manufacture of intoxicating liquors until the conclusion of the present war, and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States.

Now, it is the contention of the chairman of the Committee on the Judiciary, if I understand him aright, that there is no reference in this bill as to time or extension or modification or qualification. That is not a tenable statement, Mr. Chairman, because the very language which I have read provides in Title I how long this prohibition act, adopting the language of the war prohibition act, shall run, because it says it prohibits the sale and manufacture of intoxicating liquors until the conclusion of the present war, and thereafter until the termination of demobilization.

Now, it is apparent, it is true——

Mr. BARKLEY. Will the gentleman yield?

Mr. GARD. I prefer to make my statement, after which I will have no objection to yielding. I desire, Mr. Chairman, that I may present this statement without interruption for a few moments, and then I will be very glad to yield to anybody.

Title I, which, in so far as it has any effect, is intended to have the effect of a separate bill, and is disassociated by title from Title II and Title III, provides the exact language of the so-called war prohibition act, which was approved by the President of the United States on the 21st of November, 1918, 10 days after the signing of the armistice by which the conflict between the United States and the Imperial German Government ceased.

Now, in the adoption of that language it is my contention, Mr. Chairman, that this bill carries along with it certain language of conclusion, certain language of operation, because, if it does not, then the language used in Title I is of no effect. If it does not mean what it says, if it does not mean the conclusion of the war and the termination of demobilization, then the English language, in so far as it is adopted in this Title I, is absolutely of no effect. And therefore the position which the chairman of this committee has taken is not tenable, in my opinion, and we start with the proposition that this Title I attempts to write into this bill the language of another bill, and

that is the so-called war prohibition bill, by providing that the act or acts shall be held unlawful until the conclusion of the present war and thereafter until the termination of demobilization.

Now, beginning with that proposition—that legal proposition—then anything which amends that, Mr. Chairman, is unquestionably germane.

The question of what is germane is, of course, laid down in very broad and general principles, and its application, the application of that which is germane, necessarily rests upon an individual case. But unquestionably, if there is a general proposition asserted in the bill, anything which operates as a change in that general proposition, either by way of modification or limitation, is, in my opinion, germane, and that is what is intended to have been done here. When Title I says that this part shall be of effect until the conclusion of the present war and thereafter until the termination of demobilization, the amendment I have offered provides that whenever in the opinion of the President of the United States it is not necessary for purposes of this act to provide that this conservation of food and of feed and of clothing shall be continued for the benefit of our Army and the armies of our allies—and I am not speaking in exact terms, but of what the meaning is—then it must follow that the proposition I have mentioned, giving the President authority to so determine, is a proposition of limitation upon the authority conferred in Title I.

Now, Title I provides for a number of things. It provides for more than the chairman of the committee says it provides for, and section 1 provides for more.

Sections 3, 4, 5, 6, and 7 are all adopted amendments of the so-called war prohibition act.

It is the contention of the chairman of the Committee on the Judiciary that this particular section—and since it is declaratory of all that goes through the section, practically the whole of Title I—is determined by the few words at the end of the paragraph giving a construction of the meaning of the word "liquors." But it is open to other limitations, Mr. Chairman, of which the limitation I speak of is a most pronounced example, because when we have the language which the gentleman from Minnesota, the chairman of the committee, says is an amendment relative to the definition of "liquors," he, before that, incorporates language which is indeed a definition or statement of how long this language defining "intoxicating liquors" is to continue. In other words, it is to continue at the conclusion of the present war and until the termination of demobilization.

Now, that which is introduced here, as this amendment, is an amendment of limitation as to time, and, of course, any limitation of time is germane, since time is of the essence of the offense, because there is no question but that, when the law is concluded and the period of demobilization is reached, this particular act called a war-time prohibition act was intended by legislative meaning to be inoperative.

That is the meaning of this limitation which I offered by way of amendment, which, to my mind, Mr. Chairman, attaches itself to the limitation or adoption of time in the war prohibition act, adopted in its very terms in Title I.

Mr. BLANTON. Mr. Chairman, upon this identical question the Chair has just ruled as being an amendment to the war prohibition act.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks that this amendment is a change in form and not of substance, and therefore a restatement of the case is not necessary.

The amendment offered by the gentleman from Missouri [Mr. IGOE] provided that "the act is hereby repealed." The amendment offered by the gentleman from Ohio [Mr. GARD] provides for a repeal of the act upon the proclamation of the President. So far as the legal positions are concerned, the two amendments stand upon the same footing, and the Chair feels that it is not germane, and therefore sustains the point of order.

Mr. BENSON. Mr. Chairman, I rise for the purpose of offering an amendment to this section.

Mr. GARD. Mr. Chairman, I offer an amendment. I ask that this amendment be considered first, coming from a member of the committee.

Mr. BENSON. I yield to the gentleman.

The CHAIRMAN. The gentleman from Ohio [Mr. GARD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 2, line 1, after the word "States" insert the following:

"*Provided*, That whenever in the opinion of the President the demobilization of the military forces has progressed to such a point that it shall be entirely safe to permit the manufacture and sale of wines and beer, he may issue his proclamation to that effect, and thereafter the manufacture and sale of wines and beer shall be permitted."

Mr. BLANTON. Mr. Chairman, I make a point of order against that.

Mr. VOLSTEAD. I make the point of order that that is not germane.

The CHAIRMAN. The gentleman from Texas makes a point of order, and also the gentleman from Minnesota.

Mr. VOLSTEAD. This, in effect, repeals in part, instead of totally, the war prohibition act. It is exactly the same in principle as the amendments that have already been offered and ruled out. There is nothing in this bill that relates to the length of time that the war prohibition act shall remain in force; absolutely not. We simply recite in the first paragraph the length of time prohibition is to remain in force, and do not attempt to modify it in any way. We do it simply for the purpose of identifying the particular acts. That is all that it does. There is nothing in it that would in any way modify the act, so far as the length of time it is to continue in force is concerned. This amendment clearly attempts to modify it as to beer and wine.

Mr. GARD. Mr. Chairman, the amendment which I have offered is offered, of course, in the same thought which attended the offering of the other amendment suggested by me, with this addition: I make the contention—and I consistently make the contention with perfect respect and recognition of good faith in the mind of the Chair—that there have been included by the adoption of title 1, of certain language in the so-called war-time prohibition bill, phrases which control both the length of time which it is to operate and the way in which its termination is to be made. In other words, I contend that the adoption of this language, "until the conclusion of the present war and the termination of the demobilization and the determination of the date by proclamation to be proclaimed by the President of the United States," is clearly an attempt to legislatively adopt the language of another bill, to wit, the war prohibition bill, and that when you make reference to the proclamation of the President of the United States being made, under certain conditions, as this bill does, the termination of demobilization and the conclusion of the present war, to be proclaimed by the President of the United States, that is the language of the bill, that is what this bill intends to do; and the amendment I had in mind, the amendment offered by me, was for the purpose of providing exactly what this particular law provides, a proclamation by the President of the United States, except that it permits the proclamation of the President of the United States to be made in a specific way; in other words, it is directory of the general language. It is a limitation and modification and a direction of the language which before has been adopted in this very bill.

The CHAIRMAN. The Chair is ready to rule.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe that the amendment offered by the gentleman from Ohio [Mr. GARD] is clearly subject to a point of order, if not for the reasons already given, then for the additional reason that it goes, perhaps, further than he intended it to go.

The language of the amendment "permits" the manufacture and sale of intoxicating liquor. That permission would do away with the tax, and we are not now considering the tax question, and therefore it is not germane.

The CHAIRMAN. The Chair is convinced that there is practically no difference, so far as the legal status of this amendment is concerned, between this and the previous amendment. Both seek the same end, and, without reciting the case, the Chair therefore sustains the point of order.

Mr. STEELE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEELE: On page 2, line 5, after the word "volume" insert "That the words 'until the conclusion of the present war and thereafter until the termination of demobilization' shall be construed to mean the date when in the opinion of the President it shall be no longer necessary for the purpose of the present war to conserve man power, to increase efficiency in production of arms, munitions, ships, food, and clothing for the Army and Navy."

Mr. VOLSTEAD. I make the point of order that it is not germane.

Mr. BLANTON. I make the further point of order that it is dilatory. The Chair has ruled on this question already.

The CHAIRMAN. The gentleman from Texas makes the further point of order that the amendment is dilatory. The Chair overrules that point of order and will hear the gentleman from Minnesota.

Mr. VOLSTEAD. This amendment seeks to modify the existing war prohibition act in regard to a matter that is not modified at all in the pending bill. Clearly it is not germane under

the circumstances. There is no attempt in this bill to fix the length of time that that act is to remain in force. It simply recites the fact that there are certain acts that remain in force for a certain time, and does not attempt to modify the language of those acts in any fashion. This clearly would be an amendment to the war prohibition act.

Mr. STEELE. Mr. Chairman, this amendment has no direct connection with any question of repeal. It does nothing more than the second sentence in the act itself. It simply refers to the identical language which is recited in the first section of the act, and then gives a definition or construction of the language which is set forth in the first section of the act. The very language which the gentleman has just referred to, which he himself has inserted in the act, recites the language of the war prohibition act and says that those words shall be construed to mean in a certain manner, and the construction then follows. In the amendment which I have offered here I do not go back to the war prohibition act as to anything which is not specifically recited in the very act which is now before the House for its consideration, and I cite the very language that is inserted in that act, and then go on to say that that language shall be construed to mean certain things, entirely without reference to the question of repeal and without reference to any of the points of order that have been considered and determined by the Chair heretofore. It is simply doing what the gentleman from Minnesota has done, providing for the construction of the very language which is set forth in this act which the Chair has ruled to be proper and which is in the nature of an amendment, and this certainly goes no further than that. It has no direct connection with or reference to repeal whatever, but is simply a construction of language contained in the bill before the House.

Mr. SAUNDERS of Virginia. As I followed the amendment which has just been offered and discussed by the gentleman from Pennsylvania [Mr. STEELE] he undertakes to impress an interpretation upon existing law.

Mr. STEELE. No; on the words in this first section.

Mr. SAUNDERS of Virginia. I understand, but those words are taken from existing law. Should the gentleman be successful in his attempt to give to the words of existing law, a meaning which plainly they do not carry, that would unquestionably be an amendment to the existing law. All the language from and including line 4, page 1, down to "The words," on page 2, might be stricken out of this bill without either affecting the bill, or the existing law, save that in the ensuing sections of this measure, additional verbiage intended to be saved by the defining words, would have to be inserted. So far however as the effect of this bill is concerned, and save for the purposes of convenience, the words that I have cited could be safely eliminated. All of those words are contained in existing law, and they are operative, not by virtue of any action of ours to-day, but by virtue of the force given to them by prior enactments of Congress. For instance, suppose the question should be asked whether there are any acts which prohibit the sale and manufacture of intoxicating liquors until the conclusion of the present war, and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States? What would be the answer? The answer would be that there are such acts, containing that very phraseology. The language from those acts repeated in this connection, is used merely for the purposes of recital, and not to give them any effect of an affirmative character relating to demobilization, the termination of the war, or the authority of the President.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. ALEXANDER. The amendment of the gentleman from Pennsylvania [Mr. STEELE] has the effect of amending the act described in this bill.

Mr. SAUNDERS of Virginia. That is the statement I have just made.

Mr. ALEXANDER. It makes the time terminate at a different date from that prescribed in the act itself.

Mr. SAUNDERS of Virginia. Certainly. As I have said, he is undertaking to impress an interpretation upon existing law, and when that interpretation adds to the effect of the existing law, it is certainly an amendment. That being so, and as this act is not proposing to amend existing law at all save in one respect, the ruling principle is, as already decided by the Chair, that the amendment of the gentleman from Pennsylvania is not in order, since it is not germane to the single amendment proposed by the committee.

Mr. BARKLEY. Will the gentleman yield for a suggestion?

Mr. SAUNDERS of Virginia. Yes.

Mr. BARKLEY. If the gentleman's amendment were in order, it would likewise be in order, would it not, to offer an amendment stating when the war should end, and in this act we might declare when the war should end?

Mr. SAUNDERS of Virginia. Precisely. The moment this amendment is held to be in order to the existing acts, that ruling would validate germane amendments to every section of these acts, although these acts are not under present consideration, and before the committee.

Mr. STEELE. The Chair has ruled that the words in the act, "beer, wine, or other intoxicating malt or vinous liquors in the war prohibition act shall be construed to mean any liquor which contains one-half of 1 per cent or more of alcohol," are an amendment to the original act. The Chair so stated.

Mr. SAUNDERS of Virginia. Yes; that is true.

Mr. STEELE. There is no such definition in the original act. Therefore it is a modification of the original act to that extent. The words are given a construction in this act. Now, what I am endeavoring to do is just the same as that which the Chair has referred to as an amendment to the original act, which is a construction of the very words in the original act, and also incorporated in this act. It is not amendatory so far as the terms are concerned. It is simply and purely a question of the construction of language which is already inserted in this act.

The CHAIRMAN. The Chair understands that the gentleman desires to refer his amendment to the words in the original act "until the conclusion of the present war," and not to the words in the bill that we are now considering.

Mr. STEELE. They are in the same section, in this very section.

The CHAIRMAN. Yes; but if the Chair understands the gentleman, he seeks to amend the language of the original act.

Mr. STEELE. It is simply a construction of words in the other part of the section.

The CHAIRMAN. Is it an amendment to the original act?

Mr. STEELE. It is not an amendment to the original act any more than the other amendment.

The CHAIRMAN. The Chair wants to get the parliamentary situation and what the gentleman has in mind. Does the gentleman desire to amend so far as the words contained in this bill are concerned without reference to the original act?

Mr. STEELE. I want to construe the words in this very section, section 1.

The CHAIRMAN. The Chair understood the gentleman to say that he wanted to amend the original act.

Mr. STEELE. No; the words in the original act are contained in this act.

Mr. BARKLEY. If that is true, would it not follow that the gentleman's amendment would not only interpret the words in this section but the words in the original act?

Mr. STEELE. That is a question of interpretation. I stated the purpose of my amendment, and that is to construe the words in section 1, now under consideration.

Mr. SAUNDERS of Virginia. Mr. Chairman, I wish to make a further point of order. If the gentleman from Pennsylvania [Mr. STEELE] proposes to construe the words recited in the first sentence of the section, so as to give a meaning to them different from the meaning which they plainly carry in the acts from which they are taken, then his amendment is not germane. Section 1 does not construe the words which it recites from the war-time prohibition acts. The words quoted are taken bodily from existing acts. No meaning is sought to be given to them. The citation is not for that purpose. Whatever meaning they have is by virtue of their place in the original acts. If there are any other war-time acts, identifying phrases might be taken from them and offered as amendments to the language cited. This would be in order. But an amendment which seeks to add something in the way of positive law to the acts from which the words recited are taken, amends those acts, and the Chairman has properly said that this can not be done. The words cited are inserted in the section merely to identify the acts referred to, where the words "war-time prohibition" are used. The gentleman from Pennsylvania is limited, in order, to offering amendments germane to that portion of this section defining the alcoholic content of liquors which makes them intoxicating.

Mr. DAVIS of Tennessee. Mr. Chairman, while the amendment proposed by the gentleman from Pennsylvania follows the second sentence of the first section, as a matter of fact it is intended to amend the terms of the first sentence of the first section. That language is merely descriptive and not legislative in character. In other words, in order to prevent a repetition of the description of the entire purposes of the war prohibition act every time it is referred to subsequently in the act, it is

defined, referring to the original description, as embodied in the title. To amend it as suggested by the gentleman from Pennsylvania would carry into this act an incorrect description of the original war-time prohibition act.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, as I understand the proceeding, we are now discussing the question of parliamentary law, in which our prejudices for or against the bill ought to have no place, for we ought to keep the parliamentary situation straight under all circumstances. I regard the present stage as covering, first, the decision by the Chair that a motion to repeal the entire act is not in order and can not be permitted, because there is only a single section in this bill that relates to the prior act, and he has ruled that the other sections do not constitute amendments. With all deference to the ruling of the Chair, it did seem to me that the other sections were specific amendments of the prior law, for the reason that amendments may be to change the language or put a new interpretation on the language, or it may be to add something to the law. Every one of these sections adds something to the law. But that is past, and we have accepted the ruling.

The next ruling was upon the basis that there could be neither of these amendments entertained for the reason that they were substantially of the same effect as the first, and therefore were ruled out of order. It seems to me that this amendment stands on an absolutely different basis. We have in the first section, section 1, that which it is true, as the gentleman from Virginia has said, is a recital for the purpose of identifying the act. But it goes one step further; it is more than a recital; it becomes a piece of legislation upon the war prohibition act, for it says that certain language of that act shall be construed as follows, and then gives the construction that is placed upon it.

What have we, therefore, before us in the House? We have simply a question of construction of language. That is what this question raises, a question of construction of language in the war prohibition act.

Now, if you have under consideration the placing of a construction upon certain words, surely it is in the power of this House to take up some other words in the same act and say those also shall be construed thus and so. So I care not whether the amendment relates specifically to the language recited in this section or relates to the language as it exists in the bill. What is before the House now is the question of placing construction upon language in the war prohibition act. You assume to put a construction on a few words, and surely the motion of the gentleman adding to the construction that is placed on a certain other sentence is clearly germane to the legislation before the House.

Mr. IGOE. Mr. Chairman, it seems to me that this amendment is in order, because it is to construe certain words in the bill. I do not see why it would not be in order to take the words in this section of the bill and define them, and that is what this amendment does. It does define certain words in the bill, and if that is not germane I do not see how any amendment could be presented to the bill under consideration. The Chair has ruled out other amendments because they related to war prohibition acts, and certainly this amendment relates to the language used in this bill and not in the other bill, and it is within the province of the House to strike out these words and interpret them or do anything with them that it pleases.

Mr. BARKLEY. Does the Chair desire to hear any further argument on the point? If he is ready to rule, I do not care to use any time.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BARKLEY. Mr. Chairman, if this were the original war prohibition act, in which we seek to set a time when it shall terminate, it would be in order for the gentleman to offer his amendment or for any other Member to offer a similar amendment, but that is not what we are seeking to do in this bill. The only particular in which this title amends the original war prohibition act is in the definition of intoxicating liquors.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. SABATH. Is not the definition that the gentleman proposes new legislation? Are you not trying to apply construction to language that the original bill did not contain?

Mr. BARKLEY. That is true.

Mr. SABATH. So it is new legislation.

Mr. BARKLEY. It is new legislation, and the gentleman's inquiry is correct with reference to the amendment contained in this section, applicable to intoxicating liquors. That is, this bill says that intoxicating liquors, as used in the original war prohibition act, shall mean a certain thing, but this bill does not attempt to construe or amend the language of the original act, saying when war prohibition shall end. Therefore it is not germane, nor is it in order to offer an amendment seeking to construe that language, because if we could amend the entire language of the war act the Chairman would have no doubt ruled in the beginning that it would have been in order to repeal the entire war prohibition act. Certainly if we can amend all of the provisions of the war prohibition act in this bill we can repeal them all, and the Chair was correct in stating that this title seeks only to amend one provision of the war prohibition act, and that is the definition of "intoxicating liquor," and that any amendment offered here which seeks to change the language or the construction of any other provision of the war prohibition act would not be germane.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. CALDWELL. The gentleman from Pennsylvania [Mr. GRAHAM] a few moments ago said that in his opinion sections 2, 3, 4, 5, 6, and on down to 7 and 8 all contain new matter, and that they are, in effect, amendments to the war prohibition act. What has the gentleman to say about that?

Mr. BARKLEY. That is not even partly true, because this act fixes new offenses, and, therefore, they rest for their validity upon the enactment of this law. They are not amendments to the original act; they do not amend any offense in the original act. They create new offenses by declaring a public nuisance, and so forth, that was not mentioned in the original act.

Mr. CALDWELL. How about section 7?

Mr. BARKLEY. We are not on section 7.

Mr. CALDWELL. But section 7 is a part of Title I, and if Title I in any way amends the war prohibition act more than in one instance, these matters are all within the rule.

Mr. BARKLEY. Section 7 means that none of the provisions of this act shall be construed as repealing any former act or nullifying any regulation made by the Secretary of War or the Secretary of the Navy.

Mr. CALDWELL. The gentleman does not regard that at all as an amendment of the war prohibition act?

Mr. BARKLEY. I certainly do not, in the sense that it would justify an amendment changing the termination of war prohibition.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. GOLDFOGLE. Does the gentleman contend that it is not within the power of this House at this time to broaden or to narrow the construction that is provided in this section?

Mr. BARKLEY. No; I do not; and there is no word in this section that seeks to broaden or narrow the construction of the original act fixing the termination of war prohibition. It will be in order, I take it, for any germane amendment to be offered broadening or narrowing the definition of intoxicating liquors, as contained in this section, but we are not dealing with that subject now. This bill nowhere seeks to shorten the time when war prohibition shall be effective. It does not seek to lessen the time and it does not mention it or treat of it at all, and therefore it is not in order or germane to offer an amendment to this act repealing or amending the original act in that particular.

Mr. GOLDFOGLE. This act treating of war-time prohibition—may not an amendment to the section that has reference to war-time prohibition be offered to provide the time for limiting the operation of the law?

Mr. BARKLEY. Undoubtedly under the rules of the House such an amendment is not in order.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. GRAHAM of Pennsylvania. Does not the language in lines 2, 3, 4, and 5 of page 2 constitute an amendment to the war prohibition act by placing an interpretation upon certain language?

Mr. BARKLEY. I think it may be fairly construed to be an amendment of that language in the original act.

Mr. GRAHAM of Pennsylvania. Very well; the subject before the House is the placing of a construction on language. Why can not the House now place a construction upon the words which the gentleman from Pennsylvania [Mr. STEELE] quotes in his amendment? It is still construing language, and that is all it is.

Mr. BARKLEY. For the very good reason that this is not the original act that we are dealing with, but this act only seeks to construe one sentence of that original act, and that one sentence is the meaning of intoxicating liquors. It is in order to offer any germane amendment to our interpretation of that language in this act, but certainly the offering of a provision construing the meaning of intoxicating liquor in the original act

does not justify on the ground of germaneness an amendment limiting the term within which that act shall be operative.

Mr. GRAHAM of Pennsylvania. Are we not in section 3 dealing with the terms of that act and making an amendment when we add to it this language?—

That any room, house, building, boat, vehicle, etc., where intoxicating liquor is sold * * * is hereby declared a public nuisance.

Does not that, quoting the war prohibition act, add to it by way of amendment by making the property itself liable to be declared a common nuisance?

Mr. BARKLEY. I will say to the gentleman from Pennsylvania that I do not think, legislatively speaking from a parliamentary standpoint, this is an amendment to the original act. This is an independent act creating offenses which were not contemplated in the original act. It is the creation of a new offense that was not denominated in the original act, and therefore it is not an amendment in a legislative or parliamentary sense, although it is related to the same thing.

Mr. GRAHAM of Pennsylvania. May I ask the gentleman if the following language on page 3 is not an amendment of the war prohibition act?—

If a person has knowledge or reason to believe that his property is occupied or used in violation of the provisions of the war prohibition act and suffered the same to be so used, such property shall be subject to a lien—

That is a specific amendment to the war prohibition act by an addition to it.

Mr. BARKLEY. It is not a specific amendment to the war prohibition act, but creates a new, entirely independent offense, which rests upon this act itself for its foundation.

Mr. SMALL. Mr. Chairman, I simply desire to present in another form the argument so well expressed by the gentleman from Pennsylvania [Mr. GRAHAM]. Section 1, which is under consideration, defines the terms of the "war prohibition act." Then it seeks in the latter part of the section to define what is "beer, wine, or other intoxicating malt or vinous liquors," and for present purposes that is a part of the section. Now, Mr. Chairman, this amendment which is pending seeks to define other language in the same paragraph, in fact in the same sentence in the original act. I have before me the original act, approved November 21, 1918. From that I read this language:

After June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States, no beer, wine, or other intoxicating malt or vinous liquors shall be sold, etc.

Mr. Chairman, there is in the section now under consideration the definition of the words "beer, wine, or other intoxicating malt or vinous liquors," and this pending amendment proposes a definition of the words in the same sentence "until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States." The contention of the gentleman from Minnesota, who made the point of order, and the gentleman from Kentucky is that while this section contains the definition of the words "beer, wine, or other intoxicating malt or vinous liquors" and is in the section, and for the purpose of this amendment must be construed as now in the section, yet a definition of the words in the same sentence preceding it is out of order. I submit with all deference that the Chair can not hold that this amendment which is pending is out of order unless at the same time holding that the language in the section of the bill defining the words "beer, wine, or other intoxicating malt or vinous liquors" is also out of order. If one is in order, both are in order. The language in the first section of the bill attempts to define certain words in the sentence—that is to say, "beer, wine, or other intoxicating malt or vinous liquors"—and the pending amendment seeks to define the language in the same sentence "until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States." As I said before, if one is in order both are in order. But at the present time this definition of beer, wine, or other intoxicating malt or vinous liquors is a part of the section and this amendment seeks to insert a definition of language in the same sentence of the original act of November 21, 1918, and must be in order.

Mr. STEELE. Mr. Chairman, I wish to make clear and emphatic that this is a construction of the identical language that is in section 1 and the very act which is now before the House for consideration.

Mr. HAYS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri desire to be heard?

Mr. HAYS. For a moment. Mr. Chairman, by way of discussion whether the proposed amendment is amendatory of the original act or not it has been argued by analogy that the provisions of section 3 are not amendatory of the original act. Now, I challenge the statement which has been made, and say that the true test of whether the provision in section 3 creating a common nuisance and the further provision in section 3 establishing a lien on property, the way to determine whether or not they constitute amendments to the original act is to consider that the original act is not in existence at all. And if it be considered that the original act is not in existence at all, I will ask you by what authority this lien could be enforced or by what authority the building could be declared a nuisance? I think that is a true test to determine whether these specific provisions in section 3 amount to amendments or not. That determines the crux of this particular controversy and the amendment is germane. [Applause.]

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Pennsylvania [Mr. STEELE] is somewhat different from the amendments which have already been ruled upon. The first section provides:

That the term "war prohibition act" used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States. The words "beer, wine, or other intoxicating malt or vinous liquors" in the war prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume.

Under that section the gentleman from Pennsylvania [Mr. STEELE] has offered the following amendment:

Add at the end of the section: That the words "until the conclusion of the present war and thereafter until the termination of demobilization," shall be construed to mean the date when in the opinion of the President it shall be no longer necessary for the purposes of the present war to conserve man power, to increase efficiency in the production of arms, munitions, ships, food, clothing for the Army and the Navy.

It will be observed that the war prohibition act provides—

That after June 30, 1919, until the conclusion of the present war, and thereafter until the termination of the demobilization, the date of which shall be determined by proclamation of the President, it shall be unlawful to sell for beverage purposes—

And so forth.

It has already been pointed out by the gentleman from Pennsylvania [Mr. STEELE] that he desired to amend this provision of the bill, just as the last part of section 1 of the bill is amended, by the words:

Beer, wine, or other intoxicating malt or vinous liquors in the war prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume.

If, therefore, this amendment is offered to amend the war prohibition act, it certainly is not germane, and if, on the other hand, it is offered to amend the words that are simply descriptive of the war prohibition act, thereby making this act applicable to a different character of war prohibition act, then certainly the amendment is not germane.

The Chair therefore sustains the point of order.

Mr. DYER. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. DYER. I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DYER: On page 2, line 4, after the word "contain," strike out "one-half of 1" and insert "2¾."

Mr. DYER. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DYER. Mr. Chairman and gentlemen of the committee, this measure—Title I of this bill—that we are now considering is what is known as the war prohibition act and regulations for its enforcement.

Mr. Chairman, this amendment I have offered is to permit the manufacture and sale of beer and light wines having not more than 2¾ per cent of alcohol per volume. It changes the language in the bill from "not more than one-half of 1" to "not more than 2¾."

This, as I stated a moment ago, provides regulations for the war-time prohibition act. It is admitted by most of the fair people that in justice and right this law should not be enforced at this time because of the fact that the war is over and the troops have been substantially demobilized.

In addition to that, Mr. Chairman, we have regulations and laws which have been enacted that prevent the taking of intoxicating liquors into the camps of the soldiers, and they are prevented from purchasing intoxicating liquors from anyone. And it seems that at this time, with national prohibition com-

ing into force within six months, and with the guarantee in the constitutional amendment that the people of this country would not have prohibition thrust upon them without a year's time, we ought to be willing to vote for this amendment.

When we passed the resolution providing for the constitutional amendment we said that after the necessary States had ratified the amendment, if they did, there should be one year for the people who are engaged in the manufacture and sale of beer, and so forth, to be permitted to adjust their affairs and their business. Now, Mr. Chairman, this war-time prohibition law is doing the opposite that the Congress and the States of the Union said that the people should do. Keeping this in force now when the war is over, when there is no need for it, is simply forcing prohibition upon the people and taking away from them the rights that they had guaranteed to them under the constitutional amendment. It also destroys unnecessarily and in violation of the constitutional amendment much valuable property.

In addition to that, Mr. Chairman, the President of the United States, who is the Commander in Chief of the Army and Navy, who has spent months in France, and who ought to know, and I am sure does know, more than any other human being in this country as to the needs of this legislation, this war-time prohibition bill, said in the beginning of this Congress in his message which was read to us on the opening day this:

> The demobilization of the military forces of the country has progressed to such a point that it seems to me entirely safe now to remove the ban upon the manufacture and sale of wines and beers.

He said further in his message that he did not have the authority under the act to issue the proclamation at the present time. But he said it ought to be done; that the Congress ought to authorize him to do it.

Now this amendment, Mr. Chairman, is nothing more than to do exactly what the President said ought to be done, permit the manufacture and sale of beers and light wines pending the time when he can issue his proclamation setting aside the whole act. If you will do this, gentlemen of the committee, if you will vote, as I believe you ought to do, for this amendment, which will permit the sale and manufacture of beer and wines during this emergency, I feel that the President would put off the issuing of the proclamation as long as he possibly could, and that would give the country only light wines and beers. And you, gentlemen of the committee, and the American people know that there is practically no harm in light wines and beers, and especially beer of 2¾. It will help to put conditions in this country in the best shape that we can possibly do with the constitutional amendment about to come into effect. It only does what the President recommends and what, in my judgment, Mr. Chairman, we ought to do.

We ought not to force upon the people prohibition before they understood it should come into force and effect. We ought to be fair with the great business interests of the country who have money invested in the beer business and in the vineyards and in the manufacture of wine. There are to-day thousands of dollars—yes, almost a billion dollars—in this country invested in the manufacture of beer and wines and like industries. We ought to give those people an opportunity to adjust their affairs. We ought to be fair enough, in view of the President's recommendation and request to the Congress, Mr. Chairman, to vote for the thing that he has asked for and which is fair and just. It is not to put into sale and into the manufacture or sale high-grade intoxicants, but only those that I have indicated, beer of 2¾ per cent and wine and other things that do not have more than that per cent of alcohol.

And not only that, Mr. Chairman, but there has been a great demand all over this country by the people who work. They have appeared before our committee time and again, and they appeared before our committee in a hearing in the last few weeks, men who represent the people who do the work, the laboring classes in the country. We had men before us who had worked in the mills, who had worked in the mines, and they told our committee—and their statements are in the hearings—that if we deprived the men who go down into the mines and come up exhausted from labor and the heat of any kind of a beverage drink—and they only asked for beer and light wines—if we deprived them of those things, Mr. Chairman, these men would become habitues of things that will undermine their health and strength.

They will drink deleterious things that they can obtain, things that contain excessive alcohol, and which may ruin their systems and make them unfit for work. We have had these men appear before us, Mr. Chairman, and they have warned us of these conditions and of these things. Exhaustive investigations made by experts as to the content of beer having no more than 2¾ per cent of alcohol, investigations made by leading scientists and leading physicians all over this Nation, show in effect that there is no harm in drinking beer of 3¾ per cent alcohol, and I trust that gentlemen of this committee, be they in favor of prohibition or not, will vote for this amendment, because it is only for the time for which this act itself is to remain in force and effect.

The President has intimated, the Secretary of War has intimated, that the troops will be demobilized by the end of September. If that is the fact, it will be the duty of the President under this law to issue a proclamation putting in effect again the sale not only of beer and wine, but of whisky and of other intoxicating drinks. He can not separate them. You have refused, through a point of order, permission to the President to separate them and to permit only the manufacture of wines and beer. You are forcing him under the law, if it remains in force, to open up and compel the making and selling of all kinds of intoxicating drinks. But if you will adopt this amendment, in my judgment, Mr. Chairman, we will not have any more sale of the drinks that contain much alcohol in them. It will put the country upon the basis that you have wished, that the President has recommended, and we will have an opportunity to study in this country genuine temperance, and the result of it, until the national prohibition law goes into effect.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LUCE rose.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. GARLAND. Mr. Speaker, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. LUCE. Mr. Chairman, the proposed amendment ignores a very important economic basis for war-time prohibition. It has been frequently urged in this debate that there is no longer occasion for war-time prohibition. Is that true? The act declared one of its purposes to be "conserving the man power of the Nation." Has the end of fighting left no occasion for this? In such a supposition grave danger lies. Spread of the belief that there is no longer need of the strictest economy will but aggravate our perils. No attempt should be spared to acquaint the people with the facts of the situation. We should look those facts in the face.

The world is impoverished. To get an idea of the loss, reflect on a striking coincidence. According to the Statistical Abstract, the total wealth in the United States, the true value of all the real and personal property, as last calculated, in 1912, was $187,000,000,000. An official book just put into our hands, The War With Germany, prepared by the chief of the statistical branch of the General Staff, estimates the total war expenditures of the principal nations to April 30, 1919, at $186,000,000,000. Some of this would have been spent individually for food and clothing had there been no war, but I notice that very little of the total expenditure resulted in producing any goods of permanent value to mankind. It was mainly wasteful expenditure.

Furthermore, there must be added the tremendous destruction of fixed capital, buildings of all kinds, railways and their rolling stock, farms and their equipment, highways, bridges, mines, machinery, ships, countless objects into which the labor of man had been put. The total of fixed capital destroyed would more than equal the wealth in Canada, which may therefore be added to that of the United States in trying to measure the waste.

Imagine then that some convulsion of nature, some upheaval or depression of the earth's crust, should return the North American continent to the conditions of the ice age. Imagine the vast bed of ice forming on the great arctic plains and for four and one-half years crushing its way toward the south. It shatters every house, barn, church, school, factory; erases every railroad, canal, highway; overwhelms every village, town, and city; uproots every tree in forest and orchard; swallows every garden and farm; utterly obliterates every object to which man has attached value between Hudson Bay and the Gulf of Mexico, from the Atlantic to the Pacific Oceans. When that mighty, resistless flood of ice reaches Cuba its destruction of what we call wealth will have equaled that of the war with Germany.

This wealth must be replaced before the world can be either happy or safe. Men have lost a great part of the tools by which they exist. To this loss may be laid the woes that now beset mankind, the miseries of the greater part of Europe and much of Asia, assassination and revolution, famine and pestilence, suffering beyond measure, death in every form, and of

tragedy. From a share in these we can not escape for we are a part of a world where every act of destruction vibrates to the farthest hamlet.

Our own direct contribution to this terrible waste is put at $22,000,000,000—an amount almost equal to that of all the property in the State of New York, including the metropolis itself.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent that my colleague may proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. DYER. Reserving the right to object, Mr. Chairman—which I do not intend to do—the gentleman from Minnesota [Mr. VOLSTEAD] and myself are anxious to see if we can fix upon some time upon this amendment and determine how much time there should be.

Mr. TREADWAY. Could not that be arranged at the conclusion of the remarks of the gentleman from Massachusetts?

Mr. DYER. I myself am compelled to leave the Chamber, and, if the gentleman will pardon me, I would like to have the time fixed now.

Mr. BLANTON. I would like five minutes.

The CHAIRMAN. The Chair hears no objection.

Mr. VOLSTEAD. I would like to ask if we could not agree on 40 minutes—20 minutes on a side?

Mr. BLANTON. Will that include five minutes for me, Mr. Chairman?

The CHAIRMAN. What is the gentleman's request?

Mr. DYER. Mr. Chairman, his request is for 40 minutes. I ask to amend that and have a vote on this amendment at 4 o'clock.

Mr. MADDEN. Make it an hour. That might not mean anything. There might be only 15 minutes' debate under that.

The CHAIRMAN. The request of the gentleman from Minnesota [Mr. VOLSTEAD] is that the debate on the amendment of the gentleman from Missouri [Mr. DYER] be limited to 40 minutes. Is there objection?

Mr. MADDEN. I suggest an amendment to that, to make it an hour.

Mr. GARLAND. I object.

Mr. VOLSTEAD. I move that the debate on this amendment and all amendments to it be closed in one hour.

The CHAIRMAN. The gentleman from Massachusetts [Mr. LUCE] has the floor. The gentleman from Minnesota can not take him off the floor.

Mr. RUCKER. Mr. Chairman, I will ask the chairman of the committee if he will not make the time longer than that.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. Is not the parliamentary status that some one asked for an additional five minutes?

The CHAIRMAN. Yes; and that time has been granted, and the gentleman from Massachusetts [Mr. LUCE] is entitled to the floor.

Mr. DYER. I reserved the right to object.

The CHAIRMAN. The Chair asked if there was objection, and no objection was heard.

Mr. DYER. I reserved the right to object, and stated that the gentleman from Minnesota [Mr. VOLSTEAD] desired to make a request, and that if the gentleman would yield for that purpose I would not object.

The CHAIRMAN. Subsequently the Chair put the question, and no objection was heard. The gentleman from Massachusetts is recognized for five minutes.

Mr. LUCE. Mr. Chairman, I have but a few more words to say. I had pointed out that our own contribution to this terrible waste has been placed at $22,000,000,000, nearly as much wealth as there is in the State of New York, including its metropolis, and almost twice as much as there is of real and personal property in the whole of New England. Manifestly there is still occasion to conserve the man power of the Nation. We must for many years command from all the people work and thrift and sacrifice; and how better can we conserve the man power of the Nation than by abolishing industries and activities that produce nothing of value and are in themselves destructive? [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I have tried to make some arrangement with reference to time. I move that all debate on this amendment and amendments thereto be closed in one hour.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this amendment and all amendments thereto be closed in one hour.

Mr. GARLAND. I desire to be heard on the motion.

The CHAIRMAN. The motion is not debatable.

Mr. BARKLEY. I move an amendment to the gentleman's motion, to include the section instead of the amendment; that all debate on the section and all amendments thereto be concluded in one hour.

The CHAIRMAN. The gentleman from Kentucky offers an amendment to the motion of the gentleman from Minnesota, that all debate on the section and all amendments thereto close in one hour.

Mr. LONGWORTH. The gentleman from Minnesota does not accept that amendment, does he?

Mr. VOLSTEAD. No; I do not think we had better.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BARKLEY] to the motion of the gentleman from Minnesota [Mr. VOLSTEAD].

The question being taken, on a division, there were—ayes 92, noes 70.

Accordingly the amendment was agreed to.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Minnesota [Mr. VOLSTEAD], as amended by the motion of the gentleman from Kentucky [Mr. BARKLEY].

The motion as amended was agreed to.

The CHAIRMAN. Debate on this section and all amendments thereto is limited to one hour.

Mr. DYER. I ask unanimous consent that half of that time may be controlled by the gentleman from Minnesota, the chairman of the committee [Mr. VOLSTEAD], and the other half by my colleague [Mr. IGOE].

Mr. IGOE. I suggest that the gentleman from Missouri [Mr. DYER] control the time.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] asks unanimous consent that one-half hour be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and one-half by the gentleman from Missouri [Mr. IGOE]. Is there objection?

Mr. GARLAND. I object.

Mr. DYER. Then I ask unanimous consent that the gentleman from Minnesota [Mr. VOLSTEAD], chairman of the committee, may control one-half of the time and that I may control the other half, if that is satisfactory.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] asks unanimous consent that half the time be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and one-half the time be controlled by himself. Is there objection?

Mr. RUCKER. Mr. Chairman, reserving the right to object, why does the gentleman want the whole time controlled on that side? I will say that I do not want any time from the gentleman.

Mr. DYER. I asked that my colleague [Mr. IGOE] control half the time, but there was objection made to that.

Mr. RUCKER. Why should it all be controlled over on that side?

Mr. DYER. If my colleague from Missouri [Mr. RUCKER] will make a speech in favor of my amendment I will be glad to yield him time.

Mr. RUCKER. I hope the gentleman will not.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. DYER]?

There was no objection.

Mr. IGOE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. IGOE. Is it in order to offer amendments to any part of the section during the hour?

The CHAIRMAN. It is in order to offer amendments, but they will not be voted upon until the hour for general debate has expired.

Mr. VENABLE. Shall we just send these amendments to the Clerk's desk?

The CHAIRMAN. They will simply be read for information.

Mr. VENABLE. And we are simply to send them to the Clerk?

The CHAIRMAN. Yes. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. VOLSTEAD. I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, in defining in this bill what intoxicating liquors shall be, there is an attempt on the part of Congress not to decide what would intoxicate every individual, but merely to decide what would intoxicate, under ordinary conditions, the ordinary individual of our land, and I assume that that takes into consideration young boys of 17, 18, 19, and 20 years of age, who are not accustomed to the use of intoxicating liquors; because the very primary purpose and object of war-time prohibition was to protect the young man power of this Nation. There will be no question of minority in the future to protect young boys of tender years and intoxicating liquor should be defined.

In 1907 it was my privilege and pleasure, in company with 168 other Texas people, to enjoy the magnificent hospitality of the various bankers of St. Louis, Chicago, Philadelphia, New York, and Boston, where upon the banquet table in each one of these five splendid cities of our country there were placed four and even five different glasses from which to drink liquor of various kinds.

There was claret and sweet wine and sour wine and beer and champagne, and the bankers' associations in the five cities named by me vied with each other in trying to entertain our Texas crowd more pleasantly than we had ever been entertained before in our lives. Auto rides, theater parties, receptions, buffet lunches at country clubs, steamer excursions, and banquets, at all of which we had this great profusion of sparkling beverages.

Mr. CANNON. If the gentleman will yield, how does he know it?

Mr. BLANTON. Not by the taste of my palate, but I know by my nose and my eyesight, because I saw four and five glasses, and I saw the contents bubbling and sparkling, and while the contents did not affect the good bankers of St. Louis, the good bankers of Chicago, the good bankers of Philadelphia, the good bankers of New York, or the good bankers of Boston, because all of them seem to be used to it, it did affect some of my good banker friends from Texas who were not used to having four glasses in front of them. [Laughter.] I say you can not decide what is intoxicating liquor by what transpires in St. Louis, Boston, Chicago, New York, or Philadelphia. You have got to decide by the effect that it has on the ordinary individual in this country—in Texas and elsewhere. [Laughter.] It is the young boys and the young manhood of America for whom we are now legislating.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Chairman, I did not get a chance to speak in general debate on this question. I do not intend to say much now. I have listened patiently to the arguments as to the constitutionality and nonconstitutionality of this bill by the lawyers. They have settled nothing except to their own satisfaction. Each one of them has ended just where he started. For my part, I do not intend to discuss it from the constitutional standpoint for the reason that we have courts for the purpose of settling these questions.

The State Legislature of Pennsylvania voted to sustain the Federal amendment passed by Congress, and at the same session of the legislature they voted that 2¾ per cent beer was not intoxicating. I believe that they were acting honestly. They were certainly not constrained by any feeling against the amendment, because they voted for it. They believed that 2¾ per cent beer is not intoxicating.

I want to say that I think it would be a great mistake for us not to pass this amendment offered by the gentleman from Missouri [Mr. DYER]. Recently, when home during the intermission, I met scores and scores of workingmen in my district, mill men, glass-house men, and miners, and they look upon this act down here taking away 2¾ per cent beer as being an infringement of their rights and privileges, and they say so positively. Good men, some of the best men we have, honest men, men who had boys in the war, said, "What do they mean down there?" I said, "Who mean?" "Why, all of them down there in Washington, to take away our last vestige of privilege that we have in 2¾ per cent beer, something that we are accustomed to, something that does not do us any injury and certainly does not do them any injury. We want them to let us keep it if possible." They do not say very complimentary things as to what they might do if it is taken away from them.

Gentlemen, I believe you are making a mistake. I believe that the passage of this bill without allowing 2¾ per cent beer will not alone be detrimental, as far as we are concerned generally, but I want to say to the Republicans of this House that the President of the United States had to come to the rescue of the daylight saving for the people, and other legislation, and he may do so in this case. So I think the wiser plan is to put this provision in here. It harms no one, and I am for the amendment offered by the gentleman from Missouri. [Applause.] I yield back the rest of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 120. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, Tao Hung Chang and Zeng Tze Wong, citizens of China; and

H. J. Res. 65. Joint resolution authorizing the Secretary of War to loan tents for use at encampments held by veterans of the World War.

PROHIBITING INTOXICATING BEVERAGES.

The committee resumed its session.

Mr. VOLSTEAD. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. CURRIE].

Mr. CURRIE of Michigan. Mr. Chairman, the amendment submitted by the gentleman from Missouri [Mr. DYER] clearly presents the question whether or not this House stands for the enforcement of war-time prohibition. The gentleman says that the miners and laborers require intoxicating liquor at the end of their day's work. His very argument admits that 2¾ per cent beer is intoxicating. Is this House going to accept the proposition suggested by the gentleman from Missouri? If it does, it will make war-time prohibition a national farce. [Applause.] My distinguished colleague on the Committee on the Judiciary [Mr. DYER] a few days ago contended before the House that the Commissioner of Internal Revenue had never officially recognized the fact that beverages containing alcohol in excess of one-half of 1 per cent was intoxicating. He read into the RECORD various Treasury decisions and other data to sustain this contention. I now call the gentleman's attention to the last Treasury decision upon this subject. It is No. 2788, and under the heading of "Malt liquors" this Treasury decision at paragraph b, section 14, provides:

Within the intent of the act of November 21, 1918, a beverage containing one-half of 1 per cent or more of alcohol by volume will be regarded as intoxicating.

[Applause.]

Mr. DYER. Mr. Chairman, I yield five minutes to my colleague, Mr. IGOE.

Mr. IGOE. Mr. Chairman, I offer the following amendment, which I would like to have pending.

The CHAIRMAN. The Clerk will read it for the information of the House.

The Clerk read as follows:

On page 2, line 1, after the word "States," strike out the remainder of the section.

Mr. BLANTON. Mr. Chairman, I reserve a point of order, and I would like to have the point of order settled now.

The CHAIRMAN. The amendment is not before the House now—only for information.

Mr. BLANTON. I reserve a point of order.

Mr. IGOE. Mr. Chairman, it is not subject to a point of order; I thought somebody would make it. This is the most unusual situation ever presented to the House. In the first place, the war prohibition act is a rider on an Agricultural bill. Riders seem to be abhorred by some Members of the House, but this one seems to meet with the approval of those who always object to them.

This morning we tried to give this House a chance to vote on the repeal of war-time prohibition, and upon a proposition to give the President the right to suspend it whenever, in his opinion, he thought the time had come when it was no longer necessary to keep it in force. We are met with points of order and objections, but they are absolutely in accord with the position always taken by the prohibitionists since this question came into Congress. When it was sought to give the people of the country a chance to vote upon the eighteenth amendment by providing that it should be submitted for ratification to conventions in the States, objection was made because it would give the people a chance to vote upon it and not the legislatures. Now, throughout the country in those States where an effort has been made to submit the ratification by the legislatures to the people of the States, so that they might have a chance to pass upon the action of their legislatures, we find the prohibitionists appealing of the Constitution. Yet when we appealed a few days ago to the Constitution, we were denounced. They want to prevent a vote by the people throughout the country upon that question. To-day they will not give this House of 435 men an opportunity to vote upon the question of whether you will continue this war prohibition act or whether it shall be repealed or modified whenever the President deems modification might be proper.

I am for the amendment offered by the gentleman from Missouri [Mr. DYER], but I am hopeful that this amendment which I have offered will be adopted, because this Congress has not the right at this time to extend the war prohibition act as they are attempting to do in this definition. The war is over, and yet to-day, in the only instance, I believe, which we have in the Congress, an attempt is being made on this occasion to extend war-time legislation. All of the other war-time legislation has been repealed or will expire and no attempt is made to extend it.

Gentlemen say that the definition of intoxicating liquor as carried in this Title I is not an extension, but it is, for the reason that it includes things which are not intoxicating. I have no doubt but that Congress, under the war-time power, in originally passing this war prohibition act, if it might have passed it originally and constitutionally, could define intoxicating liquors. We could have prohibited the use of leather or anything else, but at this time, when the Army is about to be demobilized, when trade is being opened to all the world, when all the war activities of the Government have ceased, it is beyond the power of Congress to say that in the exercise of its war powers it might extend this act to include things which were not prohibited in the original act.

Under the law of Congress as it stands, if it is to stand, the courts may decide what is intoxicating, and if it is to stand, I hope it will be enforced. But this Congress can surely trust the courts. A few days ago gentlemen read reports here of how the law was being enforced, and yet to-day another gentleman on the committee and other Members of the House will dispute that, and say that it is a farce unless you pass this law. I believe that the law as it stands, if it is to continue, can be enforced, and will be enforced, and I say that you ought to leave it to the courts to determine under the law what are intoxicating liquors. It is beyond the power of Congress now, and it is unfair and unjust to extend the act at this time, and I hope that when this House comes to vote they will strike out the definition of intoxicating liquors, even if they are to allow the rest of the bill to stand.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, thus far in the consideration of this bill I have said nothing, and now I find myself embarrassed by the attitude of two of my colleagues for whom I entertain very high personal regard, one on the Republican side and one on the Democratic side, both men of stalwart ability and the highest personal character, and both as wrong as any men ever were in the world. I regret it. I am not one of those who quibble about the amount of alcohol in a beer glass. If a glass of beer as manufactured contains one-hundredth part of 1 per cent of alcohol and the committee would invite me to vote to prohibit its sale, I would vote that way. We are seeking to put an end forever to a traffic which, as far as it is possible to ruin, has ruined this Nation. The brewer has linked his fate with that of the distiller, and by the final and deliberate judgment of the country they have both been condemned, and it is our duty in response to the mandate of the good people of 45 States to banish them both from this fair land forever.

I hope that when this Congress has acted that the final chapter will have been written, the final act passed, and that never again will the open doors of the saloon blight the hopes or destroy the happiness of the people of this Nation.

Gentlemen plead for 2.75 per cent beer, as they call it. I do not know what it is. I am a Democrat, but, having some Republican proclivities, I have tasted beer, and the Lord only knows, I do not know, whether it contained 4 per cent or 2¼ per cent or one-half of 1 per cent of alcohol. I am against the sale of it. I am for a law which will make it impossible for any man to sell it. Gentlemen say that this law is too drastic. I tell you, when you are dealing with a class of men who we know will never willingly submit to law, men who will only yield when they are compelled to yield, then of necessity we must deal drastically with them. [Applause.]

Gentlemen recently have produced the records of this city to show the increased crime since the advent of prohibition, but they forget to tell the House and the country that much of the record of crime in this city—possibly most of it—is the record of prosecutions of men who are violating the liquor laws in force in the District of Columbia. That is true everywhere. Adopt a local-option law, adopt a State prohibition law, make it bone dry in the District of Columbia, and immediately, aided and abetted and counseled by the brewery interests, with the sanction and approval of the brewers, men who have no regard for their manhood at once violate the law in order to bring it into disrepute, having assurance of the support of the brewers in their unworthy and criminal acts. Gentlemen know that throughout the country brewers have said to men, time and time again, "Violate this law, bring it into disrepute, give us a great list of crimes on the criminal dockets of the courts, in order to dissuade the people from the righteous course they are pursuing, and we will help you," and then they talk and harp about the increase of crime. I tell you that when you have driven out of this land every brewer and distiller, and thus closed the door of every saloon and driven out every bootlegger, then there will be ushered in a time when crime in the Nation will decrease and the happiness, righteousness, and real prosperity of the people increase. [Applause.]

Mr. DYER. Mr. Chairman, I yield three minutes to the gentleman from Maryland [Mr. BENSON].

Mr. BENSON. Mr. Chairman, I propose to offer an amendment to section 2 to insert the word "hereafter" in line 4, page 2, after the word "shall," and then strike out the word "liquors" and insert the word "beverages." Mr. Chairman, the reason for asking for time on this amendment is this: That this first part of this act has no exception that allows for the sale of patent medicines, toilet waters, or flavoring extracts. Those exceptions apply to the second part of the bill and the war prohibition bill, and there is no exception at all. But we think by the change of the word "liquors" there to "beverages" that beverages having an accepted name, we will be protected by this provision. I understand that the chairman of the committee will accept that amendment. I yield back the balance of my time.

Mr. SABATH. What is the amendment? Have it read.

The CHAIRMAN. Without objection, the amendment will be reported.

There was no objection.

The Clerk read as follows:

Page 2, line 3, after the word "shall," insert the word "hereafter," and in line 4, on page 2, strike out the word "liquors" and insert the word "beverages."

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. DYER. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Chairman, I will ask that my amendment be read by the Clerk.

The CHAIRMAN. Without objection the amendment will be reported.

There was no objection.

The Clerk read as follows:

Page 2, line 5, after the word "volume," insert "Provided such words or anything contained in title 1 hereof or in the war prohibition act shall not be construed to mean or include wines containing not more than 11 per cent of alcohol by weight."

Mr. BARKLEY and Mr. BLANTON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. LEA of California. Mr. Chairman, the effect of this amendment is to permit the use of this year's grape crop if the amendment is adopted. I take advantage of the short time given me to say if this House is going to adopt legislation as oppressive as section 1 of this act is, it should be informed what it is doing.

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The amendment is not before the House for action.

Mr. DYER. I make the point of order against the gentleman's point of order that the matter is not before the committee.

Mr. LEA of California. Mr. Chairman, I appeal to the sense of fairness of the prohibitionists in the House. The grape industry of this country exists in a great many States, but practically the great bulk of the industry is in the State of California. You people of the Eastern States are not familiar with that industry as we know it in the State of California. To-day there is a grape crop on the vines in California the value of which is estimated by the viticultural commission at $12,000,000. If this Congress should adopt section 1 of this act, it will prevent the farmers of California from using these $12,000,000 of grapes that now hang upon the vines. And in connection with that I want to call attention to this: The grape industry is one of its own peculiar kind for this reason: It takes four years to raise a grapevine to the productive age. The cost of raising resistant stock from which our dry wines are largely produced is from $250 to $300 an acre. It would cost the farmers of California over $2,000,000 to dig up the vines devoted to the dry-wine industry when prohibition goes into effect. Next winter when the Federal prohibition amendment goes into effect the farmers of California expect to begin digging up their vines. Do you want to adopt this sort of a precedent in the United States of America with reference to farmers who have given so many years of their lives to the development of the vineyards at great expense, while the crop is about ready to be gathered, to the value of $12,000,000, eight months after the war is over, under the pretense of war necessity? Are you going to deprive them of their hard earnings? It is all right to enforce the Federal prohibition amendment when it goes into effect. It is the duty of this Congress to do that. But I appeal to every sense of

the fairness that has been the highest quality of the citizens of America; do not deny these farmers the use of the grapes now on their vines. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen of the committee, in my State we have heard practically the same arguments urged against prohibition that have been urged by those who are now endeavoring to emasculate this law. We went through the same process which the Nation as a whole is now passing through. At first, in Tennessee, we had no statutory provision defining what constituted intoxicating liquors. The result was that beverages were sold in various different forms and under various names and with various percentages of alcoholic content, and there was no uniformity of holding, there was no uniformity of enforcement, and, in fact, we had no effective enforcement at all until our State enacted a statute defining intoxicating liquors as defined in this law—that is, one-half of 1 per cent of alcohol. [Applause.]

After that was done the laws were enforced. We got results. Having had eight years' experience as circuit judge in the enforcement of those laws, I have repeatedly seen men who had imbibed so long and so liberally that they were almost pickled in alcohol come into court and swear that they had drunk so many bottles of the beverage under consideration and it had not intoxicated them, with the result that frequently the preponderance of the evidence was that it was not intoxicating, when, in fact, the beverage was intoxicating. The criterion should not be what will intoxicate a man who can stand a great deal of intoxicants, but what will intoxicate an ordinary man, one who is not an habitual drinker of alcoholic liquor. If you permit 2¾ per cent, it simply means that those who desire to become intoxicated will drink that much more in volume in order to get the alcohol. [Applause.]

Mr. GARD. Will the gentleman yield?

Mr. DAVIS of Tennessee. I do.

Mr. GARD. I wish to inquire whether the gentleman had made in his official capacity, while he was on the bench, any judicial interpretation of the language which he now refers to?

Mr. DAVIS of Tennessee. I gave a legal definition, yes; but the evidence to which I referred, which was continuously piled into court, would frequently overturn that definition and confuse the minds of the jury to such an extent that justice was undoubtedly very frequently thwarted.

Now, we have the prohibitory law. The question is whether or not we will provide the instrument for its proper enforcement. Those opposing this legislation say that they are in favor of a reasonable enforcement. They simply want an enforcement; or, rather, a regulation, that will permit the sale and use of liquor. We know from experience, and that experience is what has caused the agitation which is now sweeping the country, that the liquor traffic has refused to be regulated. The only other recourse, as has been demonstrated in every State where it has been tested, is to absolutely and unequivocally abolish it. [Applause.]

Mr. SABATH. Will the gentleman yield?

Mr. DAVIS of Tennessee. I will.

Mr. SABATH. When did you adopt your last prohibition law for the State of Tennessee?

Mr. DAVIS of Tennessee. It went out under what is known as the "four-mile law"; and it was finally legislated out, as you might say, of the larger cities several years ago.

Mr. SABATH. And how much time was then granted to give to the people opportunity to comply with the law, or when did the act go into force?

Mr. DAVIS of Tennessee. In some instances no time was provided, and there was but little time provided in any instance, except when the law was passed prohibiting the manufacture of intoxicating liquors. A few months was then allowed.

Mr. SABATH. How much time was given then?

The CHAIRMAN. The time of the gentleman has expired. [Applause.]

Mr. DYER. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. PELL].

Mr. PELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PELL: Page 2, lines 4 and 5, after the word "liquors" strike out "which contain one-half of 1 per cent or more of alcohol by volume," and insert in lieu thereof "which are by a jury decided to be in fact intoxicating."

Mr. BARKLEY. Mr. Chairman, I reserve a point of order against that.

Mr. PELL. Mr. Chairman, I do not see any reason why we should not be willing to trust to the opinion of a jury in a matter like this. The violation of a prohibition law, however offensive it may be, is not murder. We allow a murderer the protection of a jury. A man who burns a house down can be protected by a jury. His offense can be tried by 12 of his peers. But you are denying it to a man who sells a bottle of beer.

Now, there is not a man in this House who seriously believes that 1 per cent or 2 per cent or 2½ per cent could possibly get any grown man drunk. He could not hold enough. There is not a man that does not know perfectly well, and there is not a man from a prohibition State that does not realize perfectly well, that the vast majority of the people of this country know this to be a fact. That is the reason you are afraid of going to a jury, because you know you would not get conviction. And I ask that this question of fact shall be decided as questions of fact have been decided, according to our common law for 500 years, by a jury of 12 men gathered from the neighborhood.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. RANDALL]. [Applause.]

Mr. RANDALL of California. Mr. Chairman, I only asked for two minutes in order to make a statement in reference to the wine-grape industry of the State of California.

As I said here the other day, actual experiences are better than a week's argument. The two greatest grape-producing counties in the State of California—Fresno County and San Bernardino County—have not only voted themselves bone dry but they voted by large majorities for a bone-dry, State-wide prohibition amendment to our Constitution in 1918. [Applause.] And the State of California, including every county and every vine-growing section in the State, in 1918 voted by a majority of 17,000 for a bone-dry, State-wide amendment, excluding from these figures only the city of San Francisco, in which there is not a single wine grape.

The people of the East have an idea that the wine-grape industry of California is about the biggest thing we have in that State. We have in the State of California 160,000 acres devoted to the wine-grape industry. As compared with that we have 11,000,000 acres devoted to general farming in the State of California. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, in the absence of the gentleman from Missouri [Mr. DYER], and at his request, I yield three minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, under the peculiar parliamentary situation that exists this is the last opportunity to offer an amendment to strike out Title I of this bill. Of course, I can not predict what disposition may be made of the amendment under consideration or of other amendments to this section, but should this section be entirely unamended, and should no gentleman who has a prior claim to recognition, a member of the Judiciary Committee, offer such an amendment, I shall move at the proper time to strike out Title I of this bill. I do this, gentlemen, because I do not believe that there is any legitimate connection between Title I and Title II of this bill. There is no legitimate connection between the enforcement of war prohibition and the enforcement of the eighteenth constitutional amendment.

In my judgment the Committee on the Judiciary should have given an opportunity to this House to decide both questions on their merits. They should have brought in two bills instead of one [applause], so that Members of this House might have had an opportunity to vote on each measure separately. I have not the least question that there are a number of gentlemen here who would be willing to vote for a strict enforcement of the national constitutional amendment.

But the situation with regard to this so-called war prohibition is entirely different. There are a number of gentlemen following the leadership of the President of the United States in this matter who believe that this measure should be stricken from the statute books. The necessity for that measure, according to the President, has entirely ceased. If he be right, and I believe he is, surely the necessity for the strict enforcement of this unnecessary law has also ceased. He said officially to this House, in his capacity as Commander in Chief of the Army and Navy, that "the demobilization of the military forces of the country has progressed to such an extent that it seems to me entirely safe now to remove the ban on the manufacture and sale of wine and beer."

Therefore we are advised by him who is the most competent judge of the necessity of this emergency legislation that the emergency has ceased to exist, and that the law ought to be repealed, and I for one think that this House ought to have an opportunity to vote on the question of the war-time prohibition as differentiated from the question of the enforcement of the national constitutional amendment.

I make this explanation now because under the rule lately adopted by the House it will be impossible to do so later. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. MORGAN].

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. MORGAN. Mr. Chairman, although I am a member of the committee which reported this bill, I did not participate in the general debate, and have kept silent so far. I hope this will not be construed, however, as a lack of interest on my part in this measure, because I am deeply interested in it.

Now, if I have any criticism of the measure, it is that it is not severe enough. [Applause.] I know that the word has gone out——

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I have but five minutes.

Mr. DYER. I would like to know what the punishment would be.

Mr. MORGAN. Any punishment that it had should be heavier in Missouri than in Oklahoma. [Laughter.]

Congress has already spoken, and in the so-called war prohibition act this sentence occurred:

> After June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States, no beer, wine, or other intoxicating malt or vinous liquors shall be sold for beverage purposes except for export.

This paragraph, to which the gentleman from Missouri [Mr. DYER] offers his amendment, defines those words "beer, wine, or other intoxicating malt or vinous liquors." Of course, I am opposed to this amendment. If I were offering an amendment to this section, I would make it read this way: "Those words shall be construed to mean any liquor which contains any percentum of alcohol by volume."

I repeat, if I had my way and if I were amending this bill, I would make it read so that those words "beer and wine and intoxicating malt or vinous liquors" should be construed to mean liquors that contain any percentage of alcohol. I believe that is the right way. If we intend in good faith to enforce this law we should prohibit the sale for beverage purposes of intoxicating liquors that contain any percentage of alcohol. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. PELL. Mr. Chairman, I ask unanimous consent to revise my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DYER. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. JOHN W. RAINEY].

The CHAIRMAN. The gentleman from Illinois is recognized for three minutes.

Mr. JOHN W. RAINEY. Mr. Chairman, war-time prohibition should be repealed. It was brought about as a rider to the Agricultural appropriation bill. It was a war measure. It came into being on account of the war to conserve food and fuel. When the armistice was signed this economy became unnecessary. The purpose for which it was enacted being accomplished, the law should be repealed. [Applause.] The President on May 20, 1919, in his message to Congress, said:

> The demobilization of the military forces has progressed to such a point that it seems to me entirely safe now to remove the ban upon the manufacture and sale of wines and beers.

Why do not you Prohibitionists heed his advice? A great majority of you were lying awake nights for an opportunity to repeal the daylight-saving law because of its inconvenience to the farmer, and you overlooked its hardships on the millions of unfortunates to whom this extra hour of sunshine was a godsend. You succeeded in repealing this law, but the great humanitarian in the White House vetoed the bill, and we sustained his veto.

You are jubilant now in the knowledge that you have more than enough votes to pass this vicious bill, but do not be overconfident—the President may use his veto power on this measure. I sincerely hope he does. [Applause.]

The eighteenth amendment provides, "The manufacture, sale, and transportation of intoxicating liquor for beverage purposes is hereby prohibited." The big question is to define what is an intoxicating beverage. This bill would construe it to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume, and the prohibitionists are arguing that this definition was intended by the eighteenth amendment. The amendment forbids intoxicating liquors. Chemists, scientists, and experts maintain 2¾ per cent beer is not an intoxicant. The American Medical Association in convention at Atlantic City unanimously declared that 2¾ per cent beer is nonintoxicating, but that its use is beneficial to humanity at large, and that pure light wines will help prevent the use of narcotics, meaning opium and the like, and men in authority inform us where prohibition has been in effect that addicts to the use of these narcotics have largely increased in numbers, and they anticipate a greater increase when national prohibition comes into being; therefore what is intoxicating liquors becomes a judicial question, one for the courts to decide.

I am informed—and the charge was made on the floor of this House and not denied—that this bill was prepared by representatives of the Anti-Saloon League, assisted by counsel for the patent-medicine associations on matters in which they were interested, hence I am not surprised at the drastic legislation that they are attempting to enact into law.

It is a question open to argument whether the legislatures represented the views and sentiments of the majority of their people when they passed this amendment. We had a direct vote in Chicago in April, 1919, men and women voting. The men's wet vote was 276,817. The men's dry vote was 76,165. The women's wet vote was 129,373. The women's dry vote was 77,014. The men's wet majority was 200,652. The women's wet majority was 52,359. The wet majority in its entirety was 259,011. [Applause.]

There is no doubt but that this bill in its application is un-American; is contrary to the ideals entertained by this country's founders; is opposed to that freedom of action, that liberty of operation which should be expected in this country; is directly opposed to that unrestraint which our forefathers expected when they landed on these Columbian shores; is not altogether different from that spirit which they tried to avoid and escape when they came here in the *Mayflower*. This bill, as has already been expressed, even by certain upholders of the dry issue, is so drastic, so unlawfully restraining of the rights and personal liberty of Americanhood, that it would be a shame and an outrage to the American mind were it to be passed. There is no use repeating or reviewing the prohibition arguments pro or con, for that issue is not in question and such remarks would be useless and a waste of time, but the bill under consideration, by its impracticability, senseless deprivation of our rights and personal privileges assails the principle of prohibition with such force and further brings before our mind's eye its illogical aspect so forcibly that it is good to stop and consider whether we have not gone too far, when we as the National Government attached to our Constitution such a prohibition, when we representing a Nation of freemen have started to impose restraints, I might say undue restraints, upon the freedom of our citizens. All previous amendments to our Constitution furthered the liberties and rights of our people; this is our first departure; here we are depriving them of their rights, and I am apprehensive of the outcome. I appreciate that our Constitution is not a blanket license; that is, an absence of all restraints; but remember that liberty at its source and foundation consists of the absence of all undue restraints. And I say that prohibition is without question such restraint. The proof of it is that if our Constitution warrants the passage of such legislation why may it not enforce antismoking or antienjoyment of any of our personal rights? It goes too far; what we desire our citizens to practice, the laws that we must pass to eradicate the evils of alcoholism, the prohibition that we must enact to safeguard coming generations, the relief we must give to many wives and children of drunkards must be such as conduce to temperance. Temperance, that is the thing. Temperance, that is the virtue, the qualification of a man. You deprive an animal of his cravings completely, because it is not a man, it has no will power, no mind, no sense of morality; but a man, he is above animal life, he has natural attributes which he must learn to use and cultivate, and among these the sublimest, the one by which he is supreme to nature and animal life, the one which makes him almost angelic, is his free will, his capability to do or not to do. It takes a man to be temperate, but prohibition is for the animal.

The charge made here that most of the poverty and misery are the result of drink is wrong. I maintain that poverty and misery drive men to drink [applause], and if some of you prohibitionists who wax eloquent on the dry situation will use some of your oratorical ability when the minimum-wage bill comes up to give the poor unfortunate scrub women, elevator men, and

others who have been working for the Government for years at the paltry salary of $2 per day an opportunity to receive an increase of $1 per day you will be doing your duty for deserving people, and if you are anxious to destroy poverty and misery you can accomplish it more readily by paying a living wage than you can by prohibition, and when this wage bill is called up for final passage I want a record vote. I am anxious to find out how these great prohibition benefactors of humanity will be recorded. [Loud applause.]

What is the conclusion? Control and regulation, limitation and guidance. They have a system of laws in Switzerland by which every man or head of a family is allowed a certain quantity of liquor each week or month, and I am informed it is working admirably and the people are contented, happy, and well satisfied. Some may say that this is mostly theoretical and smacks too much of the sphere of abstraction, of principles, that the prohibition amendment looks to practical results, to the sunshine it is going to bring to the home, to the family, to the health of the individual now, and to the generations to come. I say that I am not opposed to temperance, which would bring forth the results above described, but I am opposed to the principle of a general and unqualified prohibition, curtailing the freedom of action and the liberty of conscience. If we approve such a principle now, who knows how far we will go in time to come?

Further, I might dwell on the economic phase of the question, which is not to be disregarded, though to my mind less forcible. The men who will be thrown out of employment and to my farmer friends I will suggest that one of the principal staples of the Middle West will fall down in price and bulk in production. That will have a material effect upon our economic life. Corn will drop so far down in price in years to come that it will hardly pay the costs of raising it. I at one time had the figures of the amount of corn consumed in Illinois only in the manufacture of liquor, an amount staggering in its quantity, and bear in mind the loss in revenue will be from $600,000,000 to $1,000,000,000.

Henry Ward Beecher once said:

If you say to me that I ought not to drink, perhaps I would agree with you; but if you tell me that I must not drink, I will drink, because I have a natural right to do so, to drink what I please.

This, to my mind, represents the attitude of Samuel Gompers and the representatives of 2,640,000 laboring men when at convention in Atlantic City they voted in favor of light wines and beer.

This bill gives the commissioner almost plenary power in its enforcement, and if he is so inclined he could exercise this authority arbitrarily. Doctors and druggists are required to make so many reports, if they desire to carry on their professions or business, it will be necessary to employ a clerical force to assist them. The housewife is denied the privilege of making cider if it contains one-half of 1 per cent alcohol. I am astounded to discover that the hospitality of one's home is invaded and denied him; you are forbidden giving away or treating to a glass of liquor a caller or visitor.

If one traveling should become suddenly ill on a train and take a drink, he would be amenable to arrest. Another provision, no search warrant shall issue to search any private dwelling occupied as such, unless it is in part used for some business purpose, such as a store, shop, restaurant, hotel, or boarding house. This means that if a man has money enough to live in a private dwelling it can not be searched, but the poor man, who may be forced to occupy a flat over some store, is amenable to the provision and his home may be searched. A man with money can lay in a supply for himself and grandchildren, but the millions of toilers who have not the means to take time by the forelock and lay in a stock are deprived of their wine and beer; you are going to create considerable dissatisfaction, and God knows this is an inopportune time to stir up trouble. [Applause.]

Under the provisions of this bill when a man is accused under certain conditions the burden of proof is shifted to the defendant, and he must prove and establish his innocence. Violative of the established law that a man is presumed to be innocent until proven guilty, and the burden of proof is on the State or the United States. If one owns a house and a tenant, without the knowledge of the owner, violated the provisions of this act and the tenant should be tried and fined and he failed to pay the fine, the premises would be subject to a lien to the amount of the fine, and the property could be sold to satisfy the lien.

Finally, let me conclude by saying that I am opposed to the present measure, first, because of my belief in American freedom, whose spirit is here assailed and minimized; second, because of its impracticability and unreasonableness; third, because of the principle of prohibition which it tends to enforce; fourth, because I have always believed and considered that prohibition is the evolution of a puerile mind; fifth, because I believe that a man is not hopeless as a species of the human race—that a man should and can live as a man; sixth, because morality should spring from our educational system and be taught where the child's mind and heart are being developed and not from the top by constitutional enactment; seventh, because a government which forces its citizenship to practice morality and virtues by statutory enactment is dealing in the sphere of the conscience, is admitting before the world the moral inferiority of the nation; eighth, because religious freedom is guaranteed us by the Constitution, and this sort of legislation, as prohibition, has a tendency to curtail that freedom, is a reaching out in the realm of freedom of conscience. Is not freedom of conscience as precious as freedom of thought and speech? I am as amenable to the wishes of the voters of my district as any man here, but if I believe a thing to be wrong, all the constituencies and offices within the gift of the voters would not make me break faith with myself. I have always tried to vote according to the dictates of my conscience. I have to live with my conscience, and with the help of God I will be on the square with myself. I do not believe in prohibition, and I will vote against it. [Applause.]

Mr. VOLSTEAD. I yield three minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Chairman, this amendment is the keystone to the arch of the liquor traffic. Samuel Untermeyer, the great criminal lawyer of the city of New York, was in Washington last week to appear before the Judiciary Committee of the Senate for 2.75 beer. Two and three-quarters per cent beer pleases the brewers of this Nation and pleases the liquor traffic of this Nation. It is all they want. That is what they are after, and if they get that by this amendment you might stop right here. You are not going to enforce war-time prohibition; you are not going to enforce the constitutional amendment. [Applause.]

Mr. UPSHAW. That is the truth.

Mr. HERSEY. Now, whatever satisfies the brewers of this Nation does not satisfy me. [Applause.] For the life of me I can not understand how certain of my fellow Members sitting here in this Congress with the oath upon them to support the Constitution of the United States, which Constitution has been duly amended by the people to prohibit all intoxicating liquors, can come in here under that oath to support that Constitution and plead for 2.75 per cent beer, which the brewers want. If they get it, every brewery will run day and night between now and the time when they are stopped. [Applause.] Every saloon will open, every German brewer and liquor seller in this Nation will be back at his old job, and we will be wet. I think we ought to understand the object and purpose of this 2.75 amendment and vote it down. [Applause.]

Mr. DYER. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. REBER] three minutes. [Applause.]

Mr. REBER. Mr. Chairman and gentlemen of the House, I should like to read a little piece of news that appeared in the Herald of this city this morning:

BUTTERMILK MAY COME UNDER NEW DRY BAN.

WESTFIELD, N. J., *July 13.*

Buttermilk is to be put on the skids if a strict enforcement of the prohibition law is carried out, according to Prof. L. B. Allyn, of the State Normal School, for it seldom shows less than 1 per cent of alcohol content and rapidly gains more through fermentation. Probably John D. Rockefeller and other abstemious persons who have used buttermilk freely as a beverage did not know with what a terrible menace they were dealing when they toyed with the by-product of the cow.

The main objection I have to this bill is that it is entirely too drastic. A bill that puts buttermilk in the list of outlawed beverages is, in my opinion, an injury to the prohibition cause and makes the law so ridiculous that public opinion will never sustain it. It is well known that a law to become effective must have public sentiment back of it.

A law that outlaws buttermilk and sweet cider and makes it a crime to manufacture and dispose of the same, or to have the same in your possession or on your premises, as this law does, is so extreme, so radical, and so fanatical that it does not deserve the support of the true friends of prohibition. A law that makes itself ridiculous can not be enforced and hurts the cause it is intended to benefit.

Mr. Chairman, I am in favor of prohibiting the sale of intoxicating liquors as a beverage, for by the ratification of the 18th amendment it is the law of our Nation, but I am not in favor of putting Congress in the position of legislating that all beverages containing more than one-half of 1 per cent of alcohol are intoxicating when I know from actual test and experience that many beverages containing more than one-half of 1 per cent of alcohol are not intoxicating.

Federal courts have already decided that beer containing 2.75 per cent is not intoxicating. Their decisions were based upon tests that were fair and thorough and conclusive.

I had the pleasure of attending a picnic in my congressional district recently where every holder of a ticket had the privilege of drinking all the beer he desired, and many imbibed freely, and not a man was intoxicated. This picnic was held since July 1, and the beer that was given out there was of the 2.75 per cent quality and strength. I was at another festive gathering—a camp fire—in my district, held on July 5, where 2.75 per cent beer was openly sold. I drank two very fair-sized glasses of that beer, probably a pint and a quarter, inside of 10 minutes, and it had absolutely no intoxicating effect upon me whatever, and if it had had enough per cent of alcohol to be intoxicating it surely would have produced an effect upon me, because my system is not saturated with alcohol and is not immune to the effects of alcohol in beverages. I know that my system is free from alcohol because I have not drunk four quarts of beer in my entire life, nor two quarts of whisky or similar liquors, and my father did not drink double that quantity in his 87 years of existence, during 40 years of which he conducted a hotel.

The House will, I hope, pardon me for injecting these personalities in this speech, for I admit that I am proud of my father's temperate record and my own, but I want to emphasize as strongly as I can that 2.75 beer is, in my opinion and from my experience, not intoxicating. Now, if this 2.75 per cent beer is nonintoxicating, and several Federal courts have so held, what possible reason can there be for the suppression of its manufacture and sale, and especially as a war measure, when the war ended eight months ago.

One reason animating some of my colleagues is that some of the brewers were pro-German, and for that reason they should now be punished in this way; but they seem to lose sight of the fact that, by punishing these pro-German brewers, they also punish all brewers, whether they were loyal Americans or pro-German, a step in legislation that can not be sustained by good reason or fair practice. To punish all because some offended is rank injustice. If certain brewers were disloyal, they should be singled out and punished; but it is notoriously wrong to punish an entire class to reach a small number of that class. Some Members have said that it is their purpose to put the brewers and the saloon keepers out of business because these men had opposed their election to Congress. If this were a good reason, I, too, would be justified in voting for this bill, for I had this class of men opposed to me, because they knew that I was very temperate in the use of intoxicating liquors; but these gentlemen lose sight of the fact that, while there is a large number of brewers and saloon keepers, the number of people who are neither brewers nor saloon keepers is vastly greater, and it is this vast multitude that we, as legislators, must also consider, and we must protect their rights and privileges. Many Members have attacked the character of the saloons, and I do not wish to take up the time of this House to defend them as they have heretofore been conducted; but it seems to me that if the intoxicating liquors were eliminated and the saloons were confined to the sale of light wines and beer of nonintoxicating strength the saloons would become as decent and orderly as ice-cream parlors or any other places where the general public assembles.

In some cities temperance societies are trying to establish saloons where all nonintoxicating beverages can be bought and consumed. I am heartily in favor of this movement, because the poor man has claimed that the saloon is his club, and that he has as much right to have his club as the rich man has to have his, and in this I agree with him.

The argument has been advanced by many supporters of this bill that if the saloons are permitted to sell beer containing 2.75 per cent of alcohol they will soon thereafter sell beer containing a much higher percentage of alcohol. This proposition has some merit, for I fear many of the saloon men would yield to the pleadings of their customers for a drink containing a higher percentage of alcohol than the 2.75 per cent variety; but I think this could be prevented by making it impossible for the venders to secure beer containing more than 2.75 per cent of alcohol. This can be accomplished by prohibiting brewers from making and selling beer containing more than 2.75 per cent alcohol. A law could be made to this effect and enforced with less expense than will be entailed to enforce the law under consideration. Congress passed a law for the inspection and certification of meats and is enforcing it, and Congress has the power, I think, to compel the inspection and certification of beer before it leaves the brewery. If the Congress can devise no legal way of compelling brewers to submit to the inspection and certification of their product, then the States surely have the power; and as 45 of the States have already ratified the eighteenth amendment, there can be no reasonable doubt that they would not hesitate to adopt such a measure.

Mr. Chairman, I am one of the new Members of this House, and it may ill become me to criticize the other Members, but I have noticed that when many Members speak for publication in the CONGRESSIONAL RECORD they try to make it appear that they do not know anything about intoxicating drinks, and leave the public to infer that they never tasted liquors. I think it is silly to assume such an attitude and makes us ridiculous before our Nation. The public knows that we are just men and possess the virtues and frailties of men, and when we pretend to be what we are not, or allow ourselves to be placed in such a light, we lay ourselves open to just criticism.

Our constituents know who and what we are and what we were before they sent us here. They know that very few of us, if any, can truthfully say that we have never drunk intoxicating liquors as a beverage. However, it does not follow because we have not been bone dry that we are heavy drinkers or inebriates. In the time that I have been a Member I have not seen a Member under the influence of liquor or deport himself in a way unbecoming the dignity and sobriety of a legislator. There probably never was a legislative body more free from intemperance than I know this Congress to be, and it is just as far from the truth to charge this Congress with being a body of inebriates as it is to say that its Members do not know what intoxicating liquor tastes like. The truth lies between these extremes. Others who have spoken on this bill have stated clearly that Congress has no power to designate the per cent of alcohol that a beverage should contain to make it intoxicating, because if this Congress has the right and power to designate one-half of 1 per cent as the highest per cent permissible, then succeeding Congresses, having equal powers, can designate a higher or lower per cent, thus retaining the liquor question as a football of politics. What per cent of alcohol makes a beverage intoxicating and subject to prohibition should be left to the decision of the United States Supreme Court, and that decision should be strictly enforced.

Mr. Chairman, I wish to read an article published in the Sunday New York Times of July 13, 1919:

NOT ALL PROHIBITIONISTS—CHURCHMEN QUOTED AGAINST NATIONAL DRY LAWS.

The Association Opposed to National Prohibition issued a statement yesterday declaring that "professional prohibitionists and their lobbyists at Washington, who fancy that they are supported by all the churches except the Roman Catholic, will find sooner or later that they are deceived." It was announced by the association that opinions of churchmen reported to the headquarters at 19 West Forty-fourth Street were opposed to the enforcement of the prohibition laws.

"The religious support of the Anti-Saloon League is largely overestimated," said the statement. "Particularly is this true now that the so-called war-time prohibition has been tried out for something like a fortnight, and while the Anti-Saloon League lobbyists are seeking to pass the drastic Volstead bill for its enforcement. Men and women of the churches are not confusing in their minds the two questions of temperance and prohibition. Many of them draw the line very sharply between the two, and they fail to see that prohibition by sumptuary and drastic laws is the proper or effective way to promote temperance.

"'It is a shortsighted contribution to the cause of temperance,' writes the Rev. Dr. Charles H. Parkhurst. 'I said so when national prohibition was first brought up in Congress, and I have seen no reason since then to change my mind.'"

Others whose opinions are quoted are the Rev. Dr. Robert W. Patton, national director of the Federal boards of the Episcopal Church; the late Bishop Potter; the Rev. Dr. J. H. Woodstock, archdeacon of Worcester, England; the Rev. Charles Stelzle; and the Rev. John Mockridge, of Philadelphia.

It is unnecessary for me to comment on this article. It speaks for itself. I wish to read also an item of news published in the Public Ledger, of Philadelphia, Pa., of July 15, 1919, wherein George W. Anderson, Federal judge, decided that beer containing at least one-half of 1 per cent of alcohol was not intoxicating.

Also, decision of Federal Judge Foster.

NONINTOXICATING BEER HELD LEGAL.

BOSTON, *July 15.*

A ruling given to-day by George W. Anderson, Federal judge, that the sale of beer which is not intoxicating is not illegal under the present war prohibition act led to the quashing of the Government's test case against Sanford F. Petts and Leopold H. Vogel, liquor dealers, of this city.

Petts and Vogel were arrested last week charged with selling beer containing at least one-half of 1 per cent of alcohol. It was the contention of the Government that the sale of any beer was against the law. The defendants demurred, arguing that beer must contain a sufficient amount of alcohol to be intoxicating to be illegal.

Judge Anderson sustained the demurrer and declared that he had not the slightest doubt that Congress intended to prohibit the sale of intoxicating liquors and did not intend to stop the sale of nonintoxicating beverages.

"We appear ridiculous," he said, "by giving a misinterpretation to an act of Congres. I won't be a party to it."

BREWERS' DEMURRER IS SUSTAINED AT NEW ORLEANS.

NEW ORLEANS, *July 15.*

Federal Judge Foster to-day sustained a demurrer filed by officials of the American Brewing Co. to an indictment charging that the manufacture of beer of more than one-half of 1 per cent of alcoholic content was in violation of the war-time prohibition act.

On July 15 Mr. Wayne B. Wheeler, general counsel for the Anti-Saloon League, appeared before the Senate Judiciary Subcommittee and asked for sweeping search-warrant powers, suggesting that seizures be authorized without a warrant, or at least that warrants be issued without requiring testimony in support of requests. It seems to me that the advocates of this drastic enforcing act, in their zeal to put teeth into it, are going far to prevent the enforcement of the eighteenth amendment.

Mr. Chairman, the eighteenth amendment of the Constitution declares that "after one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

This amendment has been ratified by 45 of the 48 States in the Union and is the law of our Nation and must be enforced, and it is my purpose to support and defend the Constitution, as I am in duty bound as a law-abiding citizen and as my oath as a Congressman requires.

The Nation has adopted this law and it is not my purpose in any way to evade it or to persuade others to evade it, but I do not want to assist in passing an enforcing act that will defeat the very purpose of this law.

Mr. Chairman, I do not wish to take up any more time of this House, but wish to close by inserting an article which was published in the Public Ledger of July 13:

2.75 BEER CALLED SAME AS COFFEE—BREWERS' LAWYER SUBMITS RESULT OF ANALYSIS TO SENATE JUDICIARY COMMITTEE—CIDER WORSE, TESTS SHOW—QUESTION OF INTOXICATING CONTENT FOR JURY TO DECIDE, UNTERMYER CONTENDS.

WASHINGTON, *July 12.*

Samuel Untermyer, of New York, appearing to-day before the Senate Judiciary Committee to protest on behalf of brewers against the continued enforcement of "war-time" prohibition and elimination of 2.75 per cent beer, gave the results of tests conducted by Prof. Harry Hollingsworth, professor of psychology at Columbia University, with beer embracing that percentage of alcoholic content.

An affidavit by Prof. Hollingsworth dealt with tests made with 2.75 per cent beer upon subjects ranging from the total abstainer to the occasional moderate drinker to a case of fairly regular but not excessive user of alcohol. The subjects ranged in age from 21 to 30 years, their health from a very poorly nourished man to a college athlete. His conclusion was that if intoxicating liquor is to be considered as any beverage which would have the same stimulating effect as coffee then the 2.75 beer is to be considered intoxicating, otherwise not.

George Whitehead, of New York, who is associated with Mr. Untermyer, pointed out that the affidavits filed with the committee upon behalf of the Anti-Saloon League were based "entirely upon the opinion of the men who made the demand, not upon any test," and that, therefore, "if any test had been made they must have agreed with those of the experts of the brewers."

SEEKING TO PROHIBIT NEAR BEER.

Mr. Untermyer and Senator WALSH of Montana engaged in a spirited argument upon the question whether Congress had the power to prohibit beer which contains no alcohol at all in order to make effective the war-time prohibition. Other members of the committee joined in the argument, and it became evident that this is one of the provisions now under consideration by the Senate committee, and that it should bar entirely all of the so-called near beers that are now being brewed.

Senator WALSH voiced the sentiment of the "drys" on this question when he pointed out that a beverage which tastes like beer and smells like beer might be used to cover a "blind pig" which actualy sold real beer to customers whom they knew.

"Why not prohibit water that is colored like beer?" asked the witness.

Mr. Untermyer submitted to the committee an affidavit of Lewis B. Allyn, of the Westfield Laboratory, Westfield, Mass., covering the results of an analysis made by him of more than 300 samples of soft drinks and patent medicines to determine their alcoholic content. Dr. Allyn held that ordinary home-made root beer contains as much as 2.75 per cent of alcohol, while another soft drink contained 1.27 per cent. Fifteen samples of ciders obtained from farmers ran from 4.51 per cent to 6.83 per cent by weight and from 5.72 per cent to 7.53 per cent of alcohol by volume.

Mr. Untermyer also presented a list of bitters and tonics which the said analysis showed contained from 16.10 to 41.50 per cent of alcohol by volume.

SAYS CONGRESS LACKS POWER.

Mr. Untermyer insisted that Congress is without power to pass a prohibition enforcement law which will be in fact an extension of the war-time prohibition bill.

He stated that if he were called upon to file a bill of complaint against the enforcement of this proposed law, he would allege that peace has been signed, the Army was being demobilized, that peace had been ratified by the enemy, that trade relations had been reopened with Germany, and that the President, as Commander in Chief of the Army and Navy, had declared that the necessity under which war-time prohibition had been enacted had disappeared. He added he did not believe that any court in the land would permit the farce of calling this legislation "war-time" prohibition.

CALLS LAW INSINCERE.

Mr. Untermyer took the committee to task for what he said was the insincerity of the enforcement legislation now proposed. He also said that it was vicious in that it was class legislation, so far as the war-time bill is concerned. It does not prohibit the man with plenty of money from stocking up his cellars with strong, spirituous drink for years to come, but it does prohibit the poor man from getting a drink that is regarded more as a food than as a beverage.

"My quarrel," Mr. Untermyer said, "is with your attempt to convert anything you please into intoxicating liquor. The war-time prohibition act applies only to intoxicating beer, and 2.75 per cent beer can be shown clearly not to be intoxicating. An extension of that act under the guise of an enforcement measure is not within the power of Congress."

Mr. VOLSTEAD. I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

The CHAIRMAN. The gentleman from Kentucky is recognized for five minutes.

Mr. BROOKS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. I will yield to the gentleman.

Mr. BROOKS of Pennsylvania. Just for a question?

Mr. BARKLEY. Yes.

Mr. BROOKS of Pennsylvania. I have heard it said very often that if this legislation goes into effect in connection with the amendment to the Constitution the folks at home will not be allowed to make wine any more.

Mr. FOCHT. Or cider.

Mr. BROOKS of Pennsylvania. Is that true?

Mr. BARKLEY. If this bill is passed it will be unlawful for any person in the United States to manufacture any intoxicating liquor as defined in the law except as permitted in the act itself, and in the regulations to be made by the Commissioner of Internal Revenue under the act, and if that wine is intoxicating, within the definition of this act, and manufactured for beverage purposes it will be against the law to manufacture it. [Applause.]

Mr. BROOKS of Pennsylvania. In other words, wine made at home—which, of course, is intoxicating, whether made from grapes, blackberries, or other berries—will be illegal.

Mr. BARKLEY. The gentleman is capable of interpreting the language of the act as well as I am. I do not desire to discuss that feature of it, and I do not want to take up my five minutes in doing so. But it will be unlawful to manufacture anywhere in the United States any intoxicating liquor as defined in this act except as specifically permitted in the act.

Mr. GOLDFOGLE. Will the gentleman allow me to ask him a question?

Mr. BARKLEY. Not now; let me get started. Mr. Chairman, I hope that none of these amendments offered will be adopted. In the first place, if the amendment striking out the definition of intoxicating liquor should be adopted and Congress should fix no definition of the meaning of the words in the war-time prohibition act, then the courts in enforcing the law, under the practice of the Federal courts, will have to adopt the definition of intoxicating liquors as fixed in the statutes of the various States.

Because in the practice in Federal courts, where Congress makes no provision, the law of the particular State governs. That would mean that there would be utter confusion in the Federal courts of the United States in seeking to enforce war-time prohibition, because one State may have a definition fixing one-half of 1 per cent, and some other State may have a definition fixing 2 per cent, and some other States may have fixed none whatever. Therefore the Federal courts seeking to enforce war-time prohibition, having to rely on a definition fixed by the State legislature, would have to take the definition of one State and then that of another, and the Supreme Court might hold that each was absolutely legal as fixed in the various States. Therefore it would be very unwise for this amendment to be adopted striking out the definition. There might, in that event, be 48 different standards and definitions of intoxicating liquors, if each State should see fit to fix a different standard.

I hope the amendment offered by the gentleman from Missouri [Mr. DYER] permitting the manufacture and sale of beer containing 2¾ per cent alcohol will not be adopted, because, while I do not claim to be an expert on the intoxicating qualities of beverages of any sort, I think any man who has had experience in prosecuting criminals, as it was my fortune to have it for four years, or has had to deal with liquor indictments, will testify to the fact that it is always very difficult to enforce a prohibition law where 2¾ per cent beer is allowed.

The man who sold the liquor will come into court and swear that it contained less than 2¾ per cent of alcohol. Other men will come in and swear that they saw men get drunk on that particular beverage that was sold by the man who testified that it contained less than 2¾ per cent. Others will swear it is not intoxicating. Therefore if an amendment is adopted and 2¾ per cent alcohol in beer is allowed, for all practical purposes you might as well wipe out the war-time prohibition act.

Another serious objection is that if 2¾ per cent beer is retained, you will have the saloons again in full operation. That is one of the things that we are trying to get rid of. It is the saloons, it is the surroundings, it is the evil that attends them, that we want to get rid of. If we let 2¾ per cent beer be sold as a beverage, every saloon that went out of business on the 1st of July will open its doors for the sale of 2¾ per cent beer, and there are many of them that will take chances on selling beer

and other beverages with even more alcoholic content than that, if they have the opportunity to do so. If the war prohibition act is to remain in force, as it will, it ought to be enforced, and it can not be enforced if 2¾ per cent of alcohol is allowed in beer or any other beverage. [Applause.]

Mr. DYER. Mr. Chairman, I yield the gentleman one minute more in order to ask him a question. I want to ask the gentleman if he would be in favor of this amendment of 2¾ per cent beer provided it is not permitted to be drank on the premises where sold. So that would do away with the saloons.

Mr. BARKLEY. I would not be in favor of that amendment, no matter where it is to be drunk. I want to say that the gentleman's own State, Missouri, fixes one-half of 1 per cent as the amount of alcohol in a beverage that is intoxicating. In addition to Missouri, 14 other States have fixed that amount, and 13 States say that anything that contains any quantity of alcohol is intoxicating.

Mr. DYER. I wanted the statement of the gentleman to see whether he was opposed to drinking three-quarters per cent beer because it would continue the saloons or not.

Mr. BARKLEY. I am opposed to it wherever it is sold, but I offered the suggestion as to the continuance of the saloons as an additional reason why it ought not to be adopted.

Mr. DYER. Mr. Chairman, I yield six minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman and gentlemen of the committee, I am interested in the discussion as it applies principally to two things—one the proposed amendment of the gentleman from Maryland [Mr. BENSON], and the other principally to the amendment of the gentleman from Missouri [Mr. IGOE].

It was stated by the gentleman from Maryland [Mr. BENSON] that he had an amendmentt which he offered, with the consent and approval of the chairman of the Judiciary Committee. On last Friday the chairman said that he had been having conferences with persons interested relative to certain amendments to the bill and he would call the committee together. The committee has never been called together, so far as I know, and I speak of this because of my interest in legitimate manufacturing enterprises. I have the same interest that the gentleman from Maryland has in seeking to protect legitimate manufacturing enterprises. I do not think anybody wants to go so far as prohibiting the use of this and making it illegal which is necessary in medicine, articles necessary for the toilet and in flavoring extracts, which are necessary in the daily household economy. I refer to the amendment of the gentleman from Maryland [Mr. BENSON], because he says that his amendment was to strike out the word "liquors" and insert the word "beverages." I do not know whether that has the approval of the chairman of the Judiciary Committee or not, and therefore I would ask the gentleman whether he has so stated.

Mr. VOLSTEAD. I know that an amendment of that kind has been offered.

Mr. GARD. I want to say that if the gentleman has in mind the liberalization of this law so as to take off the ban against legitimate enterprises, I am with him and think it is a proper amendment, but I want to call his attention to the fact that the amendment is offered in relation to "beer, wine, or other intoxicating malt or vinous liquors which contain one-half of 1 per cent or more of alcohol by volume."

Mr. VOLSTEAD. It is not necessary to make any other amendment, for the reason that the original language uses the word "beverage." I am trying to harmonize that.

Mr. GARD. Mr. Chairman, I think it ought to be extended beyond that. I call the attention of members of the committee to the fact that I do not think the present law of war-time prohibition as it is written here contemplates the suppression of flavoring extracts. In Title II, however, that which provides for the enforcement of constitutional prohibition, I think it does. I think it an erroneous procedure to attempt to qualify the words "beer, wine, or other intoxicating malt or vinous liquors" by the use of the word "beverages," so as to protect flavoring extracts, because flavoring extracts should not be construed in relation to "beer, wine, or other intoxicating malt or vinous beverages," and that is all the gentleman would have.

I speak of this because I want to join the gentleman in what he wishes to do, since he said the other day that he realized that the bill was imperfect and should be amended. I think the bill should be amended to properly safeguard flavoring extracts, so that no barrier may be raised against legitimate enterprises. As I said in general debate, I think the language in Title II, section 3, absolutely prohibits the manufacture of flavoring extracts, and it ought to be modified so as to protect legitimate manufacturing enterprises that they may continue as they have in the past.

When the chairman of the committee advises the Committee on the Judiciary or the Committee of the Whole what his idea is I shall be pleased to join with him on any amendment which will liberalize the war-time prohibition bill, and especially the constitutional prohibition bill, to permit these legitimate enterprises, not connected at all with the traffic in intoxicating liquors, to continue, so that the products of their manufacture, which may contain some trifling amount of alcohol, shall not be prohibited.

I shall address myself now in the few brief moments at my disposal to the legal question in respect to the language sought to be stricken out by the gentleman from Missouri [Mr. IGOE], being the language from lines 1 to 5 on page 2. There is not a single law or measure affecting the War Trade Board, the War Industries Board, the food regulation, or other war-time measures which would for the slightest fraction of a moment be given any consideration in respect to its extension by any committee or any part of the Congress of the United States.

This morning we went to the extent that 247 Members in this House voted against the retention of the daylight-saving act. This was largely because it has been associated in the minds of Members as a war measure, and the people of the country realize that we are not at war, and that all these things called war measures are simply subterfuges and evidences of legislative hypocrisy, and the people of the United States now want no more of them and no extension of their kind. I do not believe the war-time prohibition act is capable of this extension legally, and I do not think it should be extended by hypocritical and hysterical action of the Members of this body.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired. The question is on the amendment offered by the gentleman from Missouri [Mr. DYER].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM of Pennsylvania. Do I understand that the motion to strike out, referred to by the gentleman from Ohio [Mr. LONGWORTH], is before the committee?

Mr. LONGWORTH. I have not offered that motion yet. As I understood the ruling of the Chair, that motion would be in order after all perfecting amendments are voted on.

The CHAIRMAN. That is correct—after all perfecting amendments are voted on. Without objection, the Clerk will again report the amendment offered by the gentleman from Missouri [Mr. DYER].

There was no objection, and the Clerk again reported the amendment offered by Mr. DYER.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. GOLDFOGLE) there were—ayes 84, noes 128.

Mr. GOLDFOGLE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. VOLSTEAD and Mr. DYER to act as tellers.

The committee again divided; and the tellers reported—ayes 90, noes 151.

So the amendment was rejected.

The CHAIRMAN. Several amendments were sent to the Clerk's desk to be read for information during the one hour allotted for debate on this section. Those amendments will now be reported by the Clerk and acted upon without debate. They will be reported in the order in which they were offered.

The Clerk read as follows:

Amendment by Mr. VENABLE: Page 2, line 3, after the words "shall be," insert the word "hereafter."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment, because it is not germane in that it changes the former war-time prohibition act. It is an attempt to amend the war-time prohibition act in a way in which this bill does not amend it.

Mr. VOLSTEAD. The amendment ought to go in the bill.

Mr. BLANTON. It changes the terms of the war-time prohibition act.

The CHAIRMAN. The point of order is overruled. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. VOLSTEAD) there were—ayes 114, noes 14.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. LEA of California: Page 2, line 5, after the word "volume," insert: "*Provided*, That such words or anything contained in Title I hereof or in the war-time prohibition act shall not be construed to mean or include wines containing not more than 11 per cent of alcohol by weight."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment, because it is not germane and it seeks to change the terms of the war-time prohibition act in a way that is not authorized by the rules.

The CHAIRMAN. In conformity with the decisions of the Chair, this is not germane, and the Chair sustains the point of order. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. IGOE: On page 2, line 1, after the word "States," strike out the remainder of the section.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. IGOE) there were—ayes 83, noes 128.

Mr. IGOE. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. IGOE and Mr. VOLSTEAD] reported that there were—ayes 94; noes 141.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by the gentleman from Maryland [Mr. BENSON]: Page 2, line 3, after the word "shall," insert "hereafter," and in line 4, page 2, strike out the word "liquors" and insert "beverages."

Mr. BLANTON. Mr. Chairman, I make the point of order that the word "hereafter" has already been adopted by the committee and is therefore superfluous. I make the further point of order that to strike out "liquors" and insert "beverages" would be an amendment to the war-time prohibition act such as is not authorized by this present legislation; that the war-time prohibition act uses the word "liquors," which would mean any kind of liquid containing sufficient alcohol to make it intoxicating. For instance, it might be called "Frosty" or be called "Bevo" or "Poinsetta," or called any other name, and which might be intoxicating, and yet it would not make it a penal offense to sell or use under this statute. It is not germane. I submit, Mr. Chairman, that if we strike out the word "liquors" as contained in this recitation of what the war-time prohibition act contains and place instead thereof the word "beverages," then any kind of liquid not labeled beverage—a flavoring extract that might contain 90 per cent of alcohol, which would produce drunkenness, that could be drunk without fear of hurt to the human body, or that a hair tonic containing 90 per cent of alcohol, that might not be injurious to the human system yet be intoxicating—could be used in violation of this law, because it was not made as a beverage. It might be made, for instance, into a hair tonic; it might be made into a flavoring extract; it might be made into a purported medicine; and yet it would violate the purpose and the intent of the war-time prohibition act and not be in violation of this enforcement act. I submit it is not germane to the war prohibition act or to this proposed legislation.

The CHAIRMAN. The Chair thinks it is germane to this bill, and inasmuch as this provision does amend to that extent the war-time prohibition act, it is germane and is in order, and the point of order is not sustained.

Mr. GARD. May we have the amendment reported again? The committee wants to be advised whether this amendment will protect this legitimate industry. If it does, I want to vote for it, but I want to vote for something I think will do it.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. BENSON].

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. Is there any parliamentary procedure by this time by which I might ask the chairman of the committee whether or not this might be confined to beer, wine, or other malt or vinous liquors?

The CHAIRMAN. The gentleman can get unanimous consent.

Mr. GARD. I ask unanimous consent, for the purpose of information, in which I think the committee wants to share.

Mr. SANDERS of Louisiana. Mr. Chairman, I object. We all understand it.

The CHAIRMAN. Objection is heard. The question is on the amendment offered by the gentleman from Maryland [Mr. BENSON].

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. BENSON. Division, Mr. Chairman.

The committee divided; and there were—ayes 86, noes 78.

Mr. BLANTON. Mr. Chairman, on this vote I ask for tellers.

Tellers were refused.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. PELL: Page 2, lines 4 and 5, after the word "liquors," strike out the words "which contain one-half of 1 per cent or more of alcohol in volume" and insert in lieu thereof the following: "which are by a jury decided to be in fact intoxicating."

Mr. GALLIVAN. Mr. Chairman——

Mr. BLANTON. Mr. Chairman, I rise to a point of order.

Mr. GALLIVAN. Mr. Chairman, I would like to have the attention of the committee so that that amendment could be heard more clearly.

Mr. BLANTON. Mr. Chairman, I reserve a point of order.

Mr. GALLIVAN. All right; I do not object to that.

The CHAIRMAN. Does the gentleman from Texas make the point of order?

Mr. BLANTON. I make the point of order.

Mr. GALLIVAN. The gentleman reserved it.

Mr. BLANTON. I reserve it.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

The amendment was again reported.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is not germane either to the original war-time prohibition act or to the purpose and intent of this act.

The CHAIRMAN. The gentleman makes the point of order that the amendment is not germane to the bill under consideration or to the war-time prohibition act.

Mr. GALLIVAN. Why, Mr. Chairman, the author of the amendment not having risen, somebody should arise and say something for the amendment.

The CHAIRMAN. No debate is in order on the amendment.

Mr. GALLIVAN. I am speaking on the point of order.

The CHAIRMAN. The gentleman will proceed.

Mr. GALLIVAN. Mr. Chairman, I believe the amendment is absolutely in order. I believe it is germane, and I ask the Chair to consider carefully what the gentleman from New York [Mr. PELL] has offered.

This is a question as to what percentage of alcohol can be carried in liquor, and the gentleman from New York has offered an amendment suggesting that it be left to a jury. Now, I leave it to the Chair, who is always fair, whether or not that amendment should not be presented to this committee for a vote. I have nothing more to say on the matter.

The CHAIRMAN. The Chair is inclined to think that this provision is open to any germane amendment, and that the amendment offered by the gentleman from New York [Mr. PELL] is in order. [Cries of "Vote!"]

Mr. BLANTON. Mr. Chairman, will the Chair hear me for one moment?

The CHAIRMAN. The question is on agreeing to the amendment. [Cries of "Vote!"]

Mr. BLANTON. Will the Chair hear me on the point of order? [Cries of "Vote!"] Oh, that does not stop me. I am addressing my remarks to the Chair.

The CHAIRMAN. The committee will be in order. The Chair has already decided the point of order. The point of order is overruled.

Mr. GALLIVAN. Hooray, for Abilene! [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. PELL].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. PELL and Mr. SABATH demanded a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 86, noes 142.

Mr. PELL. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from New York demands tellers. As many as are in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Thirty-three Members have risen—a sufficient number.

Mr. BLANTON. Mr. Chairman, I ask for the other side.

The CHAIRMAN. That demand is not in order. Tellers are ordered. The gentleman from Minnesota [Mr. VOLSTEAD] and the gentleman from New York [Mr. PELL] will take their places as tellers. As many as are in favor of the amendment will pass between the tellers and be counted.

The committee again divided; and the tellers reported—ayes 78, noes 143.

So the amendment was rejected.

Mr. LONGWORTH. Mr. Chairman, I move to strike out section 1 of the bill, and I give notice, if that motion should be successful, that I shall move to strike out the balance of Title I.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Strike out section 1.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. GARD. With reference to the motion that the gentleman from Ohio has submitted, is it necessary that he shall offer the same motion at the end of each and every section, and then finally when the title has been completed?

The CHAIRMAN. That is the practice.

Mr. LONGWORTH. Under the practice of the House is not my motion correct as I made it?

The CHAIRMAN. Yes.

Mr. LONGWORTH. Then I give notice if this amendment is successful I shall move to strike out all the remaining sections of Title I.

The CHAIRMAN. That is in accordance with the practice of the House. The question is on agreeing to the motion of the gentleman from Ohio, to strike out the section.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. LONGWORTH. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 87, noes 132.

Mr. GALLIVAN. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are asked for. As many as favor taking the vote by tellers will rise and stand until they are counted. [After counting.] Twenty-three gentlemen have risen—a sufficient number. The gentleman from Minnesota [Mr. VOLSTEAD] and the gentleman from Ohio [Mr. LONGWORTH] will take their places as tellers. Those in favor of the amendment will pass between the tellers and be counted.

The committee again divided; and the tellers reported—ayes 80, noes 129.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the Commissioner of Internal Revenue, his assistants, agents, and inspectors——

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent——

Mr. GALLIVAN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. GALLIVAN. I did not hear the announcement of the last vote.

The CHAIRMAN. The announcement was that the ayes were 80 and the noes were 129, and the amendment was not agreed to.

Mr. GALLIVAN. "The amendment was not agreed to."

Mr. VOLSTEAD. I ask unanimous consent to correct an error that has occurred in the adopting of these amendments. In line 3, after the word "shall," the word "hereafter" has been inserted; and also after the word "be" the word "hereafter" has been inserted. One of those ought to be stricken out. I ask unanimous consent that the word "hereafter" after the word "shall" be stricken out.

The CHAIRMAN. The gentleman asks unanimous consent that the word "hereafter" inserted after the word "shall," in line 3, be stricken out. Is there objection?

Mr. GALLIVAN. I object.

Mr. VOLSTEAD. I move that it be stricken out.

Mr. SABATH. A point of order. The Clerk has begun the reading of section 2.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. At the time the amendment was offered I made the point of order that the word "hereafter" had been inserted, and I understood the Chair to sustain my point of order.

The CHAIRMAN. No; the Chair did not sustain it.

Mr. CLARK of Missouri. Mr. Chairman, there is a right way and a wrong way to do this. The right way is to move to reconsider at the proper time.

The CHAIRMAN. That motion would not be in order in the committee.

Mr. GARD. Do I understand the legislative status to be that the gentleman from Minnesota asks unanimous consent to return to section 1 for the purpose of correcting an error in an amendment?

The CHAIRMAN. The gentleman was on his feet at the time——

Mr. GARD. We could not understand what the gentleman was saying on account of the confusion in the Hall.

Mr. CANNON. May I suggest to the gentleman from Minnesota that the word "hereafter" appears twice in the same sentence? What is the use of bothering about it now? When it is reported to the House the House will undoubtedly strike out one or the other of the words "hereafter."

Mr. VOLSTEAD. Very well.

The CHAIRMAN. The gentleman withdraws his amendment. The Clerk will read.

Mr. REBER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

Mr. GALLIVAN. Mr. Chairman, reserving the right to object, I do not know just what the gentleman is going to put into the RECORD. If he will announce to the committee what he is going to put in, I may not object.

Mr. REBER. I would like to extend and revise my remarks along the lines of the remarks I made here on the floor.

Mr. GALLIVAN. About what?

Mr. REBER. About prohibition.

Mr. GALLIVAN. What side were you on?

Mr. REBER. If the gentleman had been here and attending to his duties, he would have known which side I was on.

Mr. GALLIVAN. Mr. Chairman, still reserving the right to object——

SEVERAL MEMBERS. Regular order!

Mr. GALLIVAN. Reserving the right to object——

The CHAIRMAN. The right to object can not be reserved when the regular order is demanded. Is there objection?

Mr. VOLSTEAD. I object.

The CHAIRMAN. The gentleman from Minnesota objects. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the Commissioner of Internal Revenue, his assistants, agents, and inspectors, shall investigate and report violations of the war prohibition act to the United States attorney for the district in which committed, who shall be charged with the duty of prosecuting, subject to the direction of the Attorney General, the offenders as in the case of other offenses against laws of the United States; and such Commissioner of Internal Revenue, his assistants, agents, and inspectors may swear out warrants before United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the committing trial for the purpose of having the offenders held for the action of a grand jury.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to invite the attention of the gentleman from Minnesota, who has the bill in charge, to line 18, where provision is made that the Commissioner of Internal Revenue, his assistants and agents, may conduct the committing trial. I think the gentleman will agree with me that the court conducts the trial, and that after the word "conduct" the words "the prosecution of" should be inserted in line 18, page 2.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Page 2, line 18, after the word "conduct" insert the words "prosecution of."

Mr. MADDEN. That will not make it read just right.

Mr. JOHNSON of Kentucky. I offer an amendment to strike out the word "the" and insert the word "at," so that it will read "conduct the prosecution at the committing trial."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Page 2, line 18, after the word "conduct" insert the words "prosecution at" and strike out the word "the."

Mr. GARD. The amendment proposed by the gentleman from Kentucky was not to strike out the word "the."

Mr. WALSH. I make the point of order that the amendment should be reduced to writing. You can not have several Members offering an amendment at the same time.

The CHAIRMAN. The gentleman from Kentucky will reduce his amendment to writing.

Mr. RAKER. Mr. Chairman, while the gentleman from Kentucky is preparing his amendment will the Chair recognize another Member to offer an amendment to that section?

The CHAIRMAN. The gentleman from Kentucky has the floor.

Mr. GARD. The gentleman from Kentucky is preparing his amendment, which is merely a qualifying phrase. I think we should wait to let him do that.

The CHAIRMAN. The gentleman from Kentucky has the floor.

Mr. GOLDFOGLE. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. Mr. Chairman, in the interest of saving time, the Clerk having taken down the gentleman's amendment in writing, does not that answer the rule?

The CHAIRMAN. The rule is that the amendment shall be reduced to writing and sent to the Clerk's desk.

Mr. GOLDFOGLE. When the Clerk has reduced it to writing, does not that satisfy the rule?

The CHAIRMAN. The gentleman from Kentucky had changed his amendment and the Clerk did not have it. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 18, after the word "conduct," insert the words "the prosecution at."

Mr. RAKER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. If the committee adopts this amendment, will an amendment to strike out lines 17, 18, and 19 as amended be in order?

The CHAIRMAN. It would.

Mr. BEE. Mr. Chairman, has debate been limited on this section?

The CHAIRMAN. No time has been fixed for the limit of debate on this section.

Mr. BEE. May I have the attention of the gentleman from Kentucky? As I understand, with his amendment would not the result be that in the prosecution under this section any layman, any employee, or agent of the Internal-Revenue Commissioner could appear in the court and conduct the prosecution in the face of the statute which exists in most all States that a person presenting a case at the bar, except for himself, must be a member of the bar?

Mr. JOHNSON of Kentucky. I think while that is true Congress can change the rule.

Mr. BEE. Does the gentleman from Kentucky think that it would be proper to permit employees of the Internal-Revenue Department to appear in court and supersede the district attorney in the prosecution of the case?

Mr. JOHNSON of Kentucky. I will interrupt the gentleman by saying that in line 17 it is provided that the one who conducts the prosecution must do so under the control of the United States attorney.

Mr. BEE. I submit to the House that in all the history of jurisprudence there has been no such law which authorizes a layman to come into court and take the place of the prosecuting attorney in the trial of a case. He must be an assistant prosecuting attorney or a member of the bar.

Mr. JOHNSON of Kentucky. This is not the trial of a case.

Mr. BEE. Even at the committing trial the rule is the same.

Mr. VOLSTEAD. Mr. Chairman, I only desire to call attention to the fact that this does not provide for one of these agents or inspectors to carry on the trial except so far as is necessary to bind over the man to the grand jury. These inspectors are doing that now all over the country without being attorneys.

Mr. GOLDFOGLE. Would not this authorize the agent, not a lawyer, to go before the commissioner at the preliminary investigation and there conduct the investigation as investigations are now conducted by regular admitted members of the bar?

Mr. VOLSTEAD. Just as they are now conducted by these very agents.

Mr. GOLDFOGLE. The gentleman is mistaken.

Mr. VOLSTEAD. Just as is done in every State in the Union. It does not require a regularly admitted attorney; anybody can go before the justice; they can in my State.

Mr. GOLDFOGLE. They can not in my State.

Mr. FIELDS. The deputy collectors prosecute cases before the commissioners; they do it in my State.

Mr. GOLDFOGLE. If the gentleman will permit, the amendment to section 2 contemplates that one though not a member of the bar, an agent or inspector, call him what you will, appointed by the Commissioner of Internal Revenue may conduct a legal proceeding before the commissioner that issues the warrant and before whom the case is brought. Is not that so?

Mr. VOLSTEAD. He can not be tried before that court.

Mr. GOLDFOGLE. I am not speaking of the regular trial. I am speaking of the preliminary investigation before the commissioner.

Mr. GALLIVAN. Mr. Chairman, I move to strike out the first two words. I am opposed to this amendment unless the gentleman from Kentucky will provide that the inspector and agents visit the House Office Building. Then I will vote for his amendment. Before this debate is concluded I shall ask that every Member of Congress who votes dry on this proposition be honest to his country and his conscience and that he place in the CONGRESSIONAL RECORD the amount of liquor that he has saved up for himself either in his home or in his office. [Laughter and applause.]

Mr. VOLSTEAD. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

Mr. GALLIVAN. If the Congress wants to be on the level with the country, it will do as I ask. We are told——

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

Mr. GALLIVAN. Oh, sit down. [Laughter.] The country is told that this Congress is overwhelmingly dry. I have been a Member of this Congress since 1914, and I have found it overwhelmingly wet. Now, why—why, in the days when you are making the world safe for democracy and freedom—why tie up the individual unless you are willing, Members of Congress, to tie up yourselves? I have heard, Mr. Chairman, of Members of this House who have said that they have in their private wine cellars enough liquor to take care of them and their friends for 20 years. [Cries of "Name them!"] Mr. Chairman, an inquiry comes from many Members of the House to name them. If they were not good fellows, I would name them. [Laughter.]

But, Mr. Chairman, let me say a serious word in closing. I know that the Republican Party is in control of this House, as it is of the Senate, and it looks as though in the next presidential election the Republican Party would have it all its own way. [Applause and laughter on the Republican side.] Oh, I shall stop that applause in a minute, and I will get it over on the Democratic side.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Massachusetts may proceed for five minutes. Is there objection?

Mr. CRAMTON. Mr. Chairman, I object.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for one minute.

Mr. CRAMTON. Mr. Chairman, I object.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word.

Mr. GALLIVAN. I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. GALLIVAN. Mr. Chairman, I ask the gentleman from New York to yield to me for a question.

Mr. CALDWELL. I would like to ask the gentleman from Massachusetts a question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. CALDWELL. I do, and I want to ask him to tell me what he was going to say. [Laughter.]

Mr. GALLIVAN. Mr. Chairman, I will tell the gentleman from New York what I was going to say. My last statement was greeted with an uproar of applause on the Republican side of the aisle——

Mr. VOLSTEAD. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

Mr. GALLIVAN. I want to say to the Republicans of this House that they are booting the ball away, and they are bringing our dear old Democratic Party right back to life. [Laughter and applause.]

The CHAIRMAN. The gentleman will suspend for a moment. What is the point of order of the gentleman from Minnesota?

Mr. VOLSTEAD. First, that the House is not in order, and, second, that the gentleman is not addressing himself to the amendment.

Mr. GALLIVAN. Oh, yes, I am.

The CHAIRMAN. The point of order is well taken, and the gentleman will confine himself to the amendment.

Mr. CALDWELL. Mr. Chairman, I made the pro forma amendment to strike out the last word, and in my time I asked the gentleman to tell me what he was about to say——

The CHAIRMAN. The pro forma amendment is pending.

Mr. CALDWELL. And I asked the gentleman to tell me in my time what he was about to say.

The CHAIRMAN. The gentleman may do that so long as he confines himself to the amendment under debate, and that is the motion to strike out the last word.

The gentleman will proceed in order.

Mr. GALLIVAN. Mr. Chairman, I will only take a minute or two. The Republican Party got control of this House in the last national election and, to repeat my language, they are booting the ball away. They do not know how to take care of the affairs of this country, and the grand old Democratic Party will come back next fall in great triumph. [Applause on the Democratic side.]

Mr. VOLSTEAD. Mr. Chairman, I make the point of order the gentleman is not speaking to the amendment.

The CHAIRMAN. The point of order of the gentleman from Minnesota is well taken. The gentleman must address his remarks to the amendment.

Mr. CRAMTON. Mr. Chairman, I make the further point that the gentleman from New York who has the floor has yielded.

The CHAIRMAN. The point of order is well taken.

Mr. GARD. Mr. Chairman, I move that the committee do now rise.

The question was taken.

The CHAIRMAN. The Chair is in doubt.

The committee again divided; and there were—yeas 101, noes 81.

Mr. CRAMTON. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. GARD and Mr. VOLSTEAD) reported that there were—ayes 96, noes 74.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 6810 had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. LAGUARDIA. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LAGUARDIA. To ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD——

Mr. REBER. Mr. Chairman, may I ask unanimous consent to revise and extend my remarks?

Mr. CLARK of Missouri. Mr. Speaker, all these speeches that go in the RECORD now have got to be confined to this subject; if not, I shall object.

Mr. REBER. My remarks will be on this subject, and nothing else.

Mr. CLARK of Missouri. What does the gentleman from New York say?

Mr. LAGUARDIA. I am asking unanimous consent to extend my remarks in the RECORD on the subject of cooking Army bacon.

Mr. CLARK of Missouri. Mr. Speaker, I object.

The SPEAKER. Objection is made. The gentleman from Pennsylvania asks unanimous consent to extend his remarks on the subject of the bill under consideration. Is there objection? [After a pause.] The Chair hears none.

PUBLIC SERVICE COMMISSION OF PORTO RICO (S. DOC. NO. 52).

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

As required by section 38 of the act approved March 2, 1917 (39 Stat., 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I have the honor to transmit herewith certified copies of each of six franchises granted by the Public Service Commission of Porto Rico. The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War transmitting them to me.

WOODROW WILSON.

THE WHITE HOUSE, *July 14, 1919.*

The SPEAKER. Referred to the Committee on Insular Affairs, with accompanying documents, and ordered printed.

LAWS OF PORTO RICO (S. DOC. NO. 53).

The SPEAKER. The Chair also lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of certain acts and resolutions enacted by the Ninth Legislature of Porto Rico during its first session (Aug. 13 to Nov. 26, 1917, inclusive).

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed.

WOODROW WILSON.

THE WHITE HOUSE, *July 14, 1919.*

The SPEAKER. Referred to the Committee on Insular Affairs, with the accompanying documents, and ordered printed.

RESOLUTION EXTENDING CONGRATULATIONS TO FRANCE, ETC.

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent for the consideration of the following resolution and move its adoption.

The SPEAKER. The gentleman from New York asks unanimous consent for the consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Whereas this 14th day of July, 1919, is the first anniversary of the greatest French national holidays which has occurred since the successful termination of the world's greatest war;

Whereas the United States participated with France and her allies in a part and share of the victorious conclusion of this war; and

Whereas the United States rejoices that its traditional friendship for the French people has been renewed and strengthened by this service of our valiant sons: Now, therefore, be it

Resolved, That the House of Representatives of the United States extend to the Senate, Chamber of Deputies of the Republic of France, and to the people of France, now wholly restored to their national allegiance, its congratulations on the fact that the valor and sacrifice of her loyal sons has not been in vain, and that we rejoice with you that the evil days of autocracy are ended, and that liberty, justice, and equality shall forever reign.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. GALLIVAN. Mr. Speaker, reserving the right to object, I ask that the Clerk read that particular paragraph of the resolution which refers to the restoration of France to her liberty and safety.

The SPEAKER. Without objection, the Clerk will again read the portion referred to. [After a pause.] The Chair hears no objection.

The part referred to was again read.

The SPEAKER. Is there objection to the immediate consideration of the resolution? [After a pause.] The Chair hears none. The question is on the adoption of the resolution.

The resolution was unanimously adopted.

TELEGRAM OF APPRECIATION FROM POLISH DIET.

The SPEAKER. The Chair lays before the House the following document, which the Clerk will report.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, July 8, 1919.

To the House of Representatives:

The undersigned, the Acting Secretary of State, in the absence of the President and Secretary of State from this Capital, has the honor to transmit the following telegram addressed to the Congress of the United States by a unanimous vote of the Polish Diet on July 4, 1919:

"AMERICAN CONGRESS, *Washington:*

"In this memorable anniversary the Polish Parliament turns its thoughts across the ocean to express to your Nation our greetings and veneration. The first principle of your Declaration of Independence, that every man has right to life, liberty, and happiness, has conquered the world. The Polish Nation will never forget the memorable declaration of the great Chief of your State which proclaimed the nations have the same right to life, liberty, and happiness, declaration which forwarded the world on new paths, which promised to Poland her liberation; declaration which you sealed with your blood. Our nation will never forget that during long years you sheltered millions of our people, to whom their own country, groaning under the yoke of the oppressor, would give neither bread nor work, nor who return now to us penetrated by your principles of dignity of human work. The Polish Nation will never forget your remarkable activity or the unfortunate victims of the war work of real practical Christianity.

"(Signed) TRAMPSYNSKY,
"President of the Diet."

Respectfully submitted.

FRANK L. POLK.

Mr. GALLIVAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GALLIVAN. What is the course of procedure in a communication of this sort?

The SPEAKER. The Chair thinks there is no further procedure. It will be filed in the archives of the House. Of course, it will be printed in the RECORD.

Mr. GALLIVAN. We have heard about France and Poland, and I would like to hear a favorable word about Ireland. [Applause and laughter.]

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until Tuesday, July 15, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 6805) to authorize the county of Dougherty, State of Georgia, to construct a bridge across the Flint River, connecting Broad Street, in the city of Albany, said State and county, with the Isabella Road, said county and State, reported the same without amendment, accompanied by a report (No. 115), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. O'CONNOR, from the Committee on Claims, to which was referred the bill (H. R. 5348) for the relief of Mrs. Thomas McGovern, reported the same without amendment, accompanied by a report (No. 116), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6289) for the relief of the heirs of Robert Laird McCormick, deceased, reported the same without amendment, accompanied by a report (No. 117), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 5239) granting an increase of pension to Gus H. Weber, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SINCLAIR: A bill (H. R. 7286) to establish the Kildeer Mountain National Park in the State of North Dakota, and for other purposes; to the Committee on the Public Lands.

By Mr. BACHARACH: A bill (H. R. 7287) to provide revenue for the Government, to establish and maintain in the United States the manufacture of scientific instruments, laboratory apparatus, laboratory glassware, laboratory porcelain ware, an industry essential to national defense; to the Committee on Ways and Means.

By Mr. MAPES: A bill (H. R. 7288) to require the installation of wireless equipment on all boats or ships carrying passengers for fare and going out of sight of land; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAWLEY: A bill (H. R. 7289) providing for an amendment to paragraph (a) of section 628 of an act approved February 24, 1919, and entitled "An act to provide revenue, and for other purposes"; to the Committee on Ways and Means.

Also, a bill (H. R. 7290) providing for an amendment to paragraph (a) of section 628 of an act approved February 24, 1919, and entitled "An act to provide revenue, and for other purposes"; to the Committee on Ways and Means.

By Mr. FRENCH: A bill (H. R. 7291) adding certain lands to the Idaho National Forest, in the State of Idaho; to the Committee on the Public Lands.

By Mr. BLACK: A bill (H. R. 7292) to extend the same rates of postage to semiweekly newspapers at city letter carrier offices in county of publication as is now charged to weekly newspapers for such service; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 7293) for the investigation of the causes, modes of transmission, prevention, and care of influenza, pneumonia, and allied diseases, and for combating same by the United States Public Health Service, and appropriating $500,000 for such purposes, to remain available until July 1, 1922; to the Committee on Appropriations.

By Mr. SWEET: A bill (H. R. 7294) authorizing the Secretary of War to donate to the Iowa Training School for Boys, located at Eldora, Iowa, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7295) authorizing the Secretary of War to donate to the city of Greene, Iowa, two German cannons or fieldpieces, to be placed in the J. Perrin Park in said city; to the Committee on Military Affairs.

By Mr. GANLY: A bill (H. R. 7296) donating a captured German cannon or field gun and carriage to the Van Nest Citizens' Patriotic League, of Van Nest, N. Y., for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7297) donating a captured German cannon or field gun and carriage to the War Service Honor League, of Bronx, New York, N. Y., for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7298) to amend section 1754 of the Revised Statutes; to the Committee on Reform in the Civil Service.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 7299) granting 30 days' leave of absence to employees of the Postal Service of the United States; to the Committee on Expenditures in the Post Office Department.

By Mr. PELL: A bill (H. R. 7300) authorizing and directing the Secretary of the Treasury to permit the exportation of certain distilled spirits; to the Committee on Agriculture.

By Mr. STRONG of Kansas: A bill (H. R. 7301) for the permanent appointment as commissioned officers of certain former noncommissioned officers who were called to active service under temporary commissions as officers between dates of April 6, 1917, and November 11, 1918; to the Committee on Military Affairs.

By Mr. WARD: A bill (H. R. 7302) to establish a fish-cultural station in New York; to the Committee on Appropriations.

By Mr. MOORE of Virginia: A bill (H. R. 7303) for the construction of a public building at Orange, Va.; to the Committee on Appropriations.

By Mr. SMITH of Michigan: A bill (H. R. 7304) for the purchase of a site and the erection thereon of a public building at Marshall, Mich.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7305) authorizing the Secretary of War to donate to the town of Reading, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7306) authorizing the Secretary of War to donate to the town of Vicksburg, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7307) authorizing the Secretary of War to donate to the town of Homer, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7308) authorizing the Secretary of War to donate to the city of Hillsdale, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7309) authorizing the Secretary of War to donate to the city of Charlotte, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7310) authorizing the Secretary of War to donate to the city of Eaton Rapids, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. ELLIOTT: Resolution (H. Res. 172) directing the Secretary of State to furnish the House of Representatives with certain information relative to the expenses of the peace commission; to the Committee on Expenditures in the State Department.

By Mr. McFADDEN: Resolution (H. Res. 173) authorizing the Speaker to appoint a committee of seven Members of the House, and that such committee be instructed to inquire into the official conduct of John Skelton Williams, Comptroller of the Currency; to the Committee on Rules.

By Mr. JOHNSON of Mississippi: Resolution (H. Res. 174) to authorize the Speaker to appoint a select committee to investigate the causes of the high prices of meat and other food products; to the Committee on Rules.

By Mr. KREIDER: Resolution (H. Res. 175) to allow the Committee on Expenditures in the Department of the Interior a clerk at a salary of $6 per diem during the session of the Sixty-sixth Congress; to the Committee on Accounts.

By Mr. CALDWELL: Concurrent resolution (H. Con. Res. 20) providing for a joint session of the Senate and House of Representatives for appropriate exercises of welcome to John J. Pershing, general and commander in chief of the American Expeditionary Forces in the World War; to the Committee on Rules.

By Mr. RANDALL of Wisconsin: Memorial of the Legislature of Wisconsin, urging the Congress of the United States to acquire, control, and regulate the principal and necessary stock yards and the refrigerator and other private car lines in the United States; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 7311) granting an increase of pension to George W. Hollenbank; to the Committee on Invalid Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 7312) granting an increase of pension to Pitsar Ingram; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 7313) granting an increase of pension to Adam E. Haughn; to the Committee on Pensions.

By Mr. DRANE: A bill (H. R. 7314) granting a pension to Nettie I. Gill; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 7315) granting an increase of pension to Alice L. Collins; to the Committee on Pensions.

By Mr. McANDREWS (by request): A bill (H. R. 7316) granting an extension on United States of America Letters Patent No. 710997; to the Committee on Patents.

By Mr. McARTHUR: A bill (H. R. 7317) to remove the charge of desertion against John S. Wampler; to the Committee on Military Affairs.

By Mr. McKENZIE: A bill (H. R. 7318) for the relief of W. W. McGrath; to the Committee on Claims.

By Mr. MONDELL: A bill (H. R. 7319) granting a pension to Samuel Smith; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 7320) granting an increase of pension to Eliza P. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7321) granting a pension to Wiley T. Cook; to the Committee on Pensions.

Also, a bill (H. R. 7322) granting an increase of pension to Emily Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7323) granting an increase of pension to Simpson R. Sutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7324) granting an increase of pension to Julia A. Marcum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7325) granting an increase of pension to Nathaniel J. Smith; to the Committee on Pensions.

Also, a bill (H. R. 7326) granting a pension to Randall Smallwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7327) granting a pension to David Pennington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7328) granting a pension to Joseph Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7329) granting a pension to James M. Taylor; to the Committee on Pensions.

Also, a bill (H. R. 7330) granting a pension to J. W. Nolan; to the Committee on Pensions.

Also, a bill (H. R. 7331) granting a pension to Alice Wilder and Mary B. Wilder; to the Committee on Pensions.

Also, a bill (H. R. 7332) granting a pension to William Jackson; to the Committee on Pensions.

Also, a bill (H. R. 7333) for the relief of Emily J. Mullins; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 7334) granting a pension to Daniel J. Bresnahan; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 7335) granting a pension to Margaret Elkins; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 7336) authorizing and directing the payment of the claim of Edwin C. Foster; to the Committee on War Claims.

By Mr. THOMPSON of Ohio: A bill (H. R. 7337) granting a pension to Chancey Worline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7338) granting a pension to Newton S. Long; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 7339) granting a pension to Edward J. Davis; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 7340) granting an increase of pension to Andy Mullen; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 7341) granting a pension to Alice F. Travis; to the Committee on Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 7342) granting an increase of pension to Rachael M. Henry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of sundry citizens of Massachusetts, favoring repeal of tax on candy, ice cream, soda-fountain drinks and foods; to the Committee on Ways and Means.

Also, petition of the Lithuanian Daina Musical Dramatic Society of Philadelphia, Pa., requesting the United States Government to compel the withdrawal of Polish Army from Lithuanian territories, and that the United States Government recognize the present Lithuanian Government; to the Committee on Foreign Affairs.

Also, petition of International Molders' Union, Local No. 381, Brass, of Springfield, Mass., indorsing the league of nations; to the Committee on Foreign Affairs.

By Mr. BLAND of Missouri: Petition of citizens of Kansas City, Mo., and other points in Missouri relative to repeal of tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

By Mr. CANNON: Petition of John Goodrich and sundry other citizens of Danville, Ill., against the repeal of the war-time prohibition; to the Committee on the Judiciary.

By Mr. CAREW: Petition of Dr. Otto P. Geier, secretary of American Medical Association, urging an appropriation of $1,500,000 to be used under the direction of the United States Public Health Service for the investigation of the causes, modes of transmission, prevention, and cure of influenza, pneumonia, and allied diseases; to the Committee on Appropriations.

By Mr. COLE: Petition of the Central Labor Union of Marion, Ohio, urging the passage of a measure to provide for a maximum day of eight hours in establishments producing wares entering into interstate commerce; to the Committee on Labor.

By Mr. ESCH: Petition of sundry citizens of Columbus, Ohio, protesting against conditions created by Japan and existing in Korea and asking the United States Government to take measures to secure fulfillment of treaty entered into between the United States and Korea in May, 1882; to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Petition of the employees of the Housh Co., of Boston, Mass., against the repeal of daylight-saving law; to the Committee on Agriculture.

By Mr. FULLER of Illinois: Petition of the Automotive Equipment Association, of Chicago, favoring legislation requiring universal military training; to the Committee on Military Affairs.

By Mr. KENDALL: Petition of sundry citizens of Greensboro, Pa., favoring repeal of tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

By Mr. KINKAID: Petition of Art McVeigh and 24 others, of Spalding; R. W. Evans and 40 others, of Stuart; R. W. Buckles and 24 others of Mitchell; and John J. Kellogg and 24 other residents of O'Neill, all in the State of Nebraska, asking for the repeal of taxes on candy, ice cream, and soda-fountain foods and drinks; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petition of Merchants' and Manufacturers' Association, of Baltimore, Md., and McCormick & Co. (Inc.), of Baltimore, Md., favoring a budget system for the National Government; to the Committee on Rules.

Also, petition of Thomas E. Carson, for the enactment of House bill 3155, extending the time to file claims for refund of tax until December 31, 1920; to the Committee on Ways and Means.

Also, petition of Bernheimer Bros., of Baltimore, Md., urging the repeal of the luxury tax, section 94; to the Committee on Ways and Means.

Also, petition of the H. S. Wampole Co., of Baltimore, Md., asking that exemptions for summer or vacation be added to House bill 5549, and that House bill 2220 be made to read "on and after January 1, 1920," instead of "July 4, 1919"; to the Committee on Labor.

By Mr. LONERGAN: Petition of Mason Wadsworth against the repeal of the daylight-saving law; to the Committee on Agriculture.

By Mr. LUFKIN: Petition of Local No. 302, Musicians' Union, of Haverhill, Mass., in favor of a league of nations; to the Committee on Foreign Affairs.

By Mr. O'CONNELL: Petition of Wylie B. Jones and others, of Binghamton, N. Y., against fanatical legislation forbidding legitimate use of alcohol in preparations which are sufficiently medicated to make them incapable for use as beverage; no other solvent can take its place for extractive and preservative purposes; to the Committee on the Judiciary.

Also, petition of the National Association of Supervisors of State Banks, urging the abolition of the office of Comptroller of Currency; to the Committee on Banking and Currency.

By Mr. RAKER: Letters from California Federation of Women's Clubs, indorsing Smith-Towner bill (H. R. 7) providing for a department of education; from E. Clemens Horst Co., San Francisco, Calif., requesting immediate action on the question of tariff on hops and hop products; and from San Francisco Center of the California Civic League, indorsing the appropriation for the continuation of the demonstration of fish cookery throughout the country; to the Committee on Education.

By Mr. RANDALL of Wisconsin: Joint resolution of the Senate and Assembly of the State of Wisconsin, memorializing and urging the Congress of the United States to acquire, control, and regulate the principal and necessary stockyards and the refrigerator and other private car lines in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWAN: Petition of industial medicine and surgery section of the American Medical Association, urging the appropriation of $1,500,000 under direction of United States Public Health Service for investigation of causes, modes of transmission, prevention, and cure available to July 1, 1922; to the Committee on Appropriations.

Also, petition of National Federation of Federal Employees, against Representative Good's amendment of July 9 to Nolan minimum-wage bill for Government employees; to the Committee on Labor.

Also, petition of C. D. Huyler and others, of New York City, for the repeal of the tax on sodas, candy, etc.; to the Committee on Ways and Means.

Also, petition of the National Association of Supervisors of State Banks, for the abolition of the office of Comptroller of Currency; to the Committee on Banking and Currency.

By Mr. STEELE: Petition of residents of Carbon County, Pa., for repeal of the tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

By Mr. TAYLOR of Tennessee: Petition of East Tennessee Packing Co., of Knoxville, Tenn., protesting against the Kendrick bill (S. 2199) and the Kenyon bill (S. 2202) relating to the meat packing and shipping; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: Petition from citizens of Crawford, Colo., protesting against any amendment or change being made in the present war-time prohibition law; to the Committee on Agriculture.

By Mr. WHITE of Maine: Petition of the Lithuanian Alliance of Rumford, Me., requesting the United States Government to compel Poland to withdraw her army from the Lithuanian territories, and that all assistance be denied to Poland as long as she continues to occupy the invaded territories; also requesting the United States to recognize the present Lithuanian Government and to render it moral and material assistance; to the Committee on Foreign Affairs.

By Mr. YATES: Petitions of Charles H. Besley & Co., Chicago; A. S. Brown, Waukegan; and National Office Supply Co., of Zion City, all in the State of Illinois, urging an efficient prohibition enforcement code; to the Committee on the Judiciary.

Also, petition of the Chicago Malt & Liquor Co., urging that war-time prohibition should be rescinded or that the liquor interests be compensated for loss of property, because "The Government has been our partner and has profited more largely than any of us engaged in it"; to the Committee on the Judiciary.

Also, petition of John A. Berry and others, of Chicago, Ill., asking for an increase of $5 per diem for inspectors of customs; to the Committee on Appropriations.

SENATE.

TUESDAY, *July 15, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to the mount of Thy law with every law that we would write upon our statute books. We can find the conscience of men but by the sanctions of the Divine will revealed to men. We pray Thee to write Thy laws in our hearts that we may form a covenant with God and conform our lives and pattern and shape our national plans according to the vision that Thou hast given to men upon the Mount. Hear us to-day and guide us by Thy holy counsel. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ASHURST and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented a petition of the National Association of Supervisors of State Banks, praying for the abolishment of the office of Comptroller of the Currency, which was referred to the Committee on Banking and Currency.

He also presented a memorial of the Young Men's Tri Mu class of the First Baptist Church of Topeka, Kans., and a memorial of the Good Citizenship Committee of Lawrence, Kans., remonstrating against the repeal or modification of war-time prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Southwestern Interstate Coal Operators' Association, of Kansas City, Kans., praying for the adoption of universal military training, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Newton, Kans., and a memorial of sundry citizens of Goessel, Kans., remonstrating against the adoption of universal military training, which were referred to the Committee on Military Affairs.

He also presented a petition of the Central Labor Union of Arkansas City, Kans., praying for an investigation into the high cost of living, which was referred to the Committee on Finance.

He also presented a petition of Local Lodge No. 90, United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, of Topeka, Kans., praying for Government ownership and control of railroads, which was referred to the Committee on Interstate Commerce.

Mr. LODGE. I present a resolution adopted by the League of Free Nations Association, which I ask to have printed in the RECORD and referred to the Committee on Foreign Relations.

The resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolved, That the League of Free Nations Association in accordance with a referendum of its full membership, calls upon all forward-looking citizens to urge the United States Senate:

1. To ratify without reservations the treaty with Germany, including the league of nations covenant.

Such ratification would establish immediate peace, the world's most urgent need in the interest of order and progress; would abolish many international injustices which have proved prolific causes of war, and would create an agency for the rectification of remaining injustices and for the establishment of mutually advantageous and just relations between nations.

2. To accompany its ratification with a resolution, declaring it to be the purpose of the United States, as a member of the league of nations to:

(a) Press for the immediate restoration of Kiao-Chau and the German concessions in Shantung to the Chinese Republic.

(b) Hold that nothing in the treaty or the covenant shall be continued as authorizing interference by the league in internal revolutions; or as preventing genuine redress and readjustment of boundaries, through orderly processes provided by the league, at any time in the future that these may be demanded by the welfare and manifest interest of the people concerned.

(c) Call for the inclusion of Germany in the council of the league as soon as the new republic shall have entered in good faith upon carrying out the treaty provisions; for the inclusion of Russia as soon as the Russian people establish stable government; and for the full participation of both Germany and Russia on equal footing in all economic intercourse as the best insurance against any reversion to the old scheme of balance of power, economic privilege and war.

(d) Press for the progressive reduction of armaments by all nations.

(e) Throw its whole weight in behalf of such changes in the constitution and such developments in the practice of the league as will make it more democratic in its scheme of representation, its procedure more legislative and less exclusively diplomatic an instrument of growth invigorated and molded by the active, democratic forces of the progressive nations.

JAMES G. MCDONALD,
Chairman of the Executive Committee.

Mr. LODGE presented resolutions adopted by the City Council of Worcester, Mass., relative to the just claims of Italy, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted at a public meeting of the Massachusetts branch of the League for Permanent Peace, at Boston, Mass., praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. WALSH of Massachusetts. I present a communication from the Massachusetts Tuberculosis League, inclosing a copy of a resolution unanimously adopted by the executive committee of the league, remonstrating against the repeal of the so-called daylight-saving law. I ask that the communication be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the communication was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

MASSACHUSETTS TUBERCULOSIS LEAGUE,
Boston, June 30, 1919.

Senator DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SIR: This letter is written on behalf of the executive committee of the Massachusetts Tuberculosis League for the purpose of urging you to use your influence to secure the veto of the repeal of the daylight-saving law, which is now in the hands of the President.

At its meeting on June 27 the committee unanimously adopted the following resolution:

"Whereas the Massachusetts Tuberculosis League has always advocated the use of a maximum amount of sunlight and fresh air as a means of prevention and cure of tuberculosis; and

"Whereas the said league considers the present daylight-saving law an aid in preserving the general health of the country, and in particular a great help in the prevention of tuberculosis: Therefore be it